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THE
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EAST INDIA (OPIUM).

A 1

RETURN to an Address of the Honourable The House of Commons, dated 25 March 1898;—*for*,

"RETURN of recent Correspondence between the Government of India and the Secretary of State in Council (including reports by the Local Governments in India) as to the measures adopted to give effect to the recommendation of the Royal Commission on the subjects of the evils connected with Opium smoking in India, and the use of rooms as Opium Smoking Saloons."

India Office,
24 March 1898.

ARTHUR GODLEY,
Under Secretary of State for India.

108934

(Sir Joseph Pease.)

Ordered, by The House of Commons, *to be Printed*.
5 *April* 1898.

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RETURN of recent Correspondence between the Government of India and the Secretary of State in Council (including reports by the Local Governments in India) as to the measures adopted to give effect to the recommendation of the Royal Commission on the subjects of the evils connected with Opium smoking in India, and the use of rooms as Opium Smoking Saloons.

No. 1.

The Government of India to the Secretary of State for India.—No. 137 (Finance and Commerce).

My Lord, Simla, 25th May 1897.

With reference to the correspondence ending with your Lordship's Despatch No. 139 Revenue, dated the 12th December 1895, we have the honour to forward copies of the papers noted in the annexed schedule regarding the measures adopted by us for giving effect to the recommendations made by the Royal Commission on Opium in view to the minimising of the evils connected with opium smoking in India.

2. As observed in paragraph 5 of our Despatch No. 305, dated the 19th October 1895, the Commission's recommendations on this subject were twofold, namely,—

(1) that the prohibition already existing in the Punjab, the North-Western Provinces and Oudh, and the Bombay Presidency in respect of the licensing of shops for the sale of preparations of opium used for smoking, commonly known as *chandu* and *madak*, should be extended to other provinces, the manufacture of such preparations being allowed only in restricted quantities by private individuals for their own use; and

(2) that the desirability of taking legislative measures to prohibit the use of premises as smoking saloons either by the public generally or by so-called clubs should be considered by the Government of India.

3. With reference to the first of these two recommendations we intimated to your Lordship in paragraph 6 of our Despatch above quoted that we had, by our Resolution No. 4033, dated the 25th September 1891, already prohibited throughout India the smoking of opium on the premises of licensed shops, and that in regard to the further step of prohibiting the sale at such shops of preparations used in smoking we were prepared to accept the recommendation of the Commission. In regard to the Commission's second recommendation we remarked (paragraph 9 of our Despatch) that we would consult the various Local Governments and Administrations as to the possibility and expediency of the measure.

In our orders quoted on the margin we accordingly requested the Local Governments and Administrations concerned to submit for our sanction any alterations required in the rules under the Opium Act to give effect to the decision at which we had arrived on the former point, and to furnish us with an expression of their opinion on the latter.

Resolution No. 5460 S. R., dated the 19th November 1895.
Letter to the Chief Commissioner of Burma, No. 5461 S.R., dated 21st November 1895.

4. We have now received the replies of the Local Governments and Administrations on both the points, and we beg to inform your Lordship that steps have been or are being taken in all those provinces in India proper in which shops had formerly been licensed for the sale of opium-smoking preparations for the discontinuance of this practice, it being left to smokers to manufacture their preparations for themselves, subject to strict

 limits

limits as to the amount of such preparations which they may possess at any one time. In Burma alone, where, as your Lordship is aware, opium-smoking (and not eating) is the common habit, the sale of these preparations to non-Burmans and registered Burmans under prescribed regulations and restrictions will not be interfered with.

5. As regards the question of the suppression of opium-smoking saloons, it will be seen from the papers accompanying this Despatch that the Government of Bengal is the only Local Government which is in favour of undertaking legislation for the purpose. In Madras, Assam and Coorg there are no smoking saloons, and their number in Baluchistan is very limited. The rest of the Local Governments and Administrations are unanimous in deprecating, under present circumstances, legislation in the direction suggested.

6. The views of the various local officers consulted in the matter are much divided. The main arguments put forward in favour of the proposal are that legislation for the suppression of private smoking saloons and clubs is necessary to supplement the prohibition already enforced against the use of shop premises for this purpose; that by isolating smokers it might result in a decrease in the habit of smoking which cannot be so conveniently indulged in in private; and that the habit, being condemned by popular sentiment as morally disreputable, and being associated with the criminal classes deserves to be discouraged. On the other hand, objections which seem to us very strong are urged by many experienced officers against the adoption of such a measure. It is apprehended that any legislation in the direction proposed would be liable to abuse by giving rise to a vast amount of blackmailing and oppressive domiciliary visits by the police. The existing clubs can be ascertained and watched, and in so far as opium-smoking is the luxury of bad characters, their congregation in these places affords an opportunity for the police to keep an eye upon them, which would be lost by their dispersion. Again, in so far as public opinion is adverse to opium-smoking, the deterrent effect which it now exercises upon the resort of respectable persons to an opium club would be lost if smoking were only carried on privately; while to compel the smoker to indulge in his own house might put temptation in the way of the members of his family which they would otherwise escape. Lastly it is argued that the prohibition against the sale of smoking preparations being as yet only in an experimental stage, it is desirable that a longer trial should be given to it before taking measures for the imposition of additional restrictions upon smoking.

7. After careful consideration of the whole case and the various arguments adduced we agree in the opinion of the great majority of the Local Governments that it is undesirable at present to undertake penal legislation against opium-smoking in saloons and clubs. The recent measures taken by us against the sale of preparations of opium used for smoking, supplementary as these were to the previous prohibition of smoking on shop premises, were intended to compel smokers to make private arrangements for the indulgence of their habit, and we hoped and still hope that by this means so much inconvenience would be attached to the practice that it would gradually fall off. It is yet, however, too early to judge of the ultimate effect of this last measure, and we are decidedly of opinion that we should take no further steps until we are in a position to say with certainty whether opium consumption in the form of smoking tends to increase or to decrease under the new conditions. We shall give careful attention to this matter, and if we find that, contrary to our expectations, there is a tendency to increase, we shall of course be ready to reconsider our position.

8. We may add that the analogy drawn by the Bengal Government and by some officers elsewhere between opium-smoking and gambling is in our opinion essentially unsound. Men cannot gamble unless they meet together, whereas in the case of opium-smoking prohibition of meeting for the purpose leaves each individual as free as ever to smoke in private.

9. The third point on which your Lordship called for information in paragraph 5 of your Despatch under reply, a reform of the system of dealing with opium cultivators in the Behar Opium Agency, is not yet ripe for final settlement;

settlement; but steps are being taken in the direction desired and the progress has been reported in a separate Despatch.

We have, &c.,
(Signed) ELGIN.
G. S. WHITE.
J. WESTLAND.
J. WOODBURN.
M. D. CHALMERS.
E. H. H. COLLEN.
A. C. TREVOR.

No. 1.

RESOLUTION by the Government of India, Finance and Commerce Department.—No. 5460 S.R., dated 19th November 1895.

Read,—

Letter to all Local Governments and Administrations, No. 3576 S.R., dated the 2nd August 1895, forwarding the Proceedings and Report of the Royal Commission on Opium.

Read also,—

The following extract from paragraph 195 of the Report of the Royal Commission :—

"We think, however, that a distinction must be drawn between the common and old-established habit of taking opium in the form of pills or infusions, and the comparatively rare and novel habit of smoking preparations of opium, known as *chandu* or *madak*.

"Though opium smoking is regarded as disreputable, we doubt whether public feeling in British India would approve of severe and inquisitorial measures of repression. Moreover, a law aimed at opium smoking in private houses could only be made effective if it permitted domiciliary visits by the police, and any system involving such visits would be liable to abuse in a much greater degree in India than in Europe. Public opinion would not, perhaps, be opposed to legislation against the use of rooms as smoking-saloons, either by the public generally or by so-called clubs. We think this is a measure which might be considered by the Government of India, but we understand that experienced officers think that it would be difficult to suggest legislation which would be effective and yet not open to many objections. We believe that the same difficulty has been experienced with regard to the lower kinds of clubs, where liquor is sold, in the United Kingdom.

"While we are not prepared to recommend measures of restrictive legislation, we are in favour of making it difficult for smokers of *chandu* and *madak* to indulge in the habit. We recommend that the Government should abandon in all provinces the licensing of of shops for the manufacture and sale of these preparations, showing thereby that they are in sympathy with public opinion. In the Punjab, Bombay, North-Western Provinces and Oudh this has already been done, and in those provinces individuals, though they may manufacture the preparations for their own use, are not permitted to possess a larger amount than 180 grains weight. We recommend that these provisions be extended to the other provinces in British India. The manufacture of small quantities by private persons is wasteful, and the process tedious. Only confirmed smokers, therefore, are likely to incur the expense and trouble. The general adoption of this system, which is undoubtedly repressive, so far as it can be enforced, will tend to prevent the spread of the habit, and lead, it may be hoped, to its ultimate extinction."

RESOLUTION.—The Government of India agree with the opinion above expressed by the Royal Commission on Opium that, although opium smoking is in India a comparatively novel habit and is regarded generally as disreputable, it is doubtful whether native public opinion would approve of severe and inquisitorial measures of repression. Opium smoking upon licensed premises has already been prohibited throughout India by the Resolution of the Government of India in the Finance Department, No. 4033, dated 25th September 1891, but the rules in force under the Opium Act in different provinces are not uniform as to the treatment of the preparations of opium used for smoking, commonly known as *madak* and *chandu*. In the Punjab, the North-Western Provinces, and Bombay no shops are now licensed for the sale of these preparations, but their manufacture for private consumption is not interfered with. In Bengal, Assam, the Central Provinces, and Madras shops are licensed for sale of the preparations, though consumption on the premises is not permitted; and in Bengal the manufacture of the preparations by private individuals is only permitted under a license, while in Assam, the Central Provinces, and Madras it is prohibited by the rules. The sale under licenses from Government of licit opium prepared for smoking undoubtedly tends to prevent the sale and consumption in this form of illicit opium, and the policy in these provinces has been to try and check the spread of the habit of opium-smoking by raising the price of smoking preparations to the consumer and by restricting as far as possible the number of places where the preparations can be legitimately obtained. The extent to which this policy has been given effect to in recent years will appear from the following figures :—

	Number of Shops licensed for the Sale of Preparations of Opium used for smoking.	
	In 1884–85.	In 1893–94.
Bengal - - -	518	388
Assam - - - -	37	15
Central Provinces - -	306	137
Madras - - - -	107	115
	968	655

2. The Government of India have adopted the policy of attempting to check opium smoking in India by diminishing the facilities for the practice of the habit, and recognise that it is desirable that the policy of Local Governments and Administrations in this matter should, as far as possible, be uniform. They accept, therefore, the recommendations made by the Commission that the system which now exists in the Punjab, the North-Western Provinces, and Bombay should be extended to other provinces in India, and that the Government should, in deference to native sentiment, cease in future to license shops for the sale of preparations of opium used for smoking, while not attempting to prevent the manufacture of such preparations by individuals for the purpose of private consumption. The recommendations made in paragraph 195 of the Report of the Commission on the subject of opium smoking do not apply to Burma. Arrangements in Upper and Lower Burma are dealt with in a separate section of the Report, and Sections II, VI, and VII, regarding the production and consumption of opium in British provinces, the question of prohibition, and the changes short of total prohibition refer to the provinces of India proper only. In Burma, as is stated in paragraph 238 of the Report, opium smoking is the common habit, and the sale of opium prepared for smoking to non-Burmans and to registered Burmans will be continued under the regulations and restrictions now existing. Any alterations of the rules under the Opium Act in Bengal, and other provinces, that may be required to give effect to this decision, should be submitted for sanction by Local Governments and Administrations as soon as possible.

3. Further than this, however, the Government of India are not, as at present advised, prepared to proceed in the direction of restriction or repression

pression of opium smoking, when privately practised. They have considered carefully the opinions expressed in favour of the absolute prohibition of opium smoking by the Maharaja of Darbhanga, the late Mr. Haridas Veharidas, and Mr. Wilson, but they agree with the majority of the Commission that no sufficient necessity for so extreme a measure has been shown. The habit of opium smoking in India is, as the Commission have stated, of comparatively recent introduction, and it is therefore not unnaturally regarded with disfavour and suspicion. The habit also is more common among the lower orders than among the educated and well-to-do; the conditions under which it is indulged in are often demoralising and degrading, and the evils which result from excess are easily recognizable. These facts are, in the opinion of the Government of India, in themselves sufficient to account for much of the evidence given in India as to the disastrous effects of opium smoking. Sir W. Roberts, in his memorandum on the general features and medical aspects of the opium habit in India, says that "it cannot be said to have been "adequately proved that moderate opium-smoking taken by itself, and apart "from its surroundings and from disease or semi-starvation, has any pre-"judicial effect on health." The Commission also in paragraph 238 of the Report observe, in reference to the opium habit in Burma, that "there is no "good evidence that smoking is in itself more injurious physically than eating "opium, but it appears to be a more seductive habit, and more ruinous to "poor men because more wasteful of time as well as of money."

4. Opium smoking was no doubt strongly denounced before the Commission by Indian witnesses of all classes, many of whom were not opposed to the use of crude opium in the form of pills as a stimulant or a restorative. In places, however, where opium smoking is the usual habit, and the practice of eating crude opium in the form of pills is rare, the opinions held by many competent observers as to the effects of the two forms of the opium habit differ materially from those which are commonly entertained by the natives of India upon this subject. It appears from the replies received to the interrogatories, issued by the Commission, from the Straits Settlements, Hong Kong, and China, that opium smoking is considered by a large number of trustworthy and competent witnesses, including several medical practitioners and missionaries, to be less injurious than opium eating. In view of the above facts, the Government of India hold that it has not been proved that opium smoking, when practised in moderation, is in itself necessarily injurious. They consider that it is desirable to discourage and discountenance the habit as practised in India, but they are not satisfied that it is necessary to restrict the personal liberty of individuals so far as to prohibit entirely the manufacture and consumption of preparations for smoking, or to treat the act of smoking as a crime.

5. It may be possible to carry the policy of diminishing the facilities for opium smoking in India somewhat further by suppressing smoking saloons, and, in accordance with the suggestion made by the Commission in the extract quoted from paragraph 195 of their Report, the Government of India propose to now consider this question. All Local Governments and Administrations are accordingly requested to give the subject their careful consideration, and to favour the Government of India with expressions of their opinions as to the possibility or advisability of legislation against the use of premises for this purpose either by the public generally or by so-called clubs.

ORDER.—Ordered, that copies of this Resolution be forwarded to all Local Governments and Administrations, except Burma.

No. 2.

R. M. Dane, Esq., Deputy Secretary to the Government of India, Finance and Commerce Department, to the Chief Commissioner of Burma.—No. 5461 S.R.

21st November 1895.

I AM directed to forward a copy of a Resolution, No. 5460 S. R., dated 19th November 1895, on the subject of the recommendations made by the Royal Commission on Opium in regard to opium smoking in India, and to request that the Government of India may be favoured with an expression of your opinion as to the possibility or advisability of the suppression of opium-smoking saloons in Burma.

The orders contained in paragraph 2 of the Resolution regarding the withdrawal in India of all licenses for the sale of preparations of opium used for smoking do not, as will be seen, apply to Burma, and the sale of opium prepared for smoking to non-Burmans and to registered Burmans will be continued under the regulations and restrictions now existing. It may, however, be advisable to try and suppress smoking saloons in Burma, and your opinion upon the point is accordingly invited.

No. 3.

J. Monteath, Esq., Acting Secretary to the Government of Bombay, to the Secretary to the Government of India, Finance and Commerce Department.—No. 5047.

27th June 1896.

WITH reference to paragraph 5 of the Resolution of the Government of India, No. 5460 S. R., dated 19th November 1895, calling for the opinion of this Government as to the possibility or advisability of legislation against the use of premises for the purpose of opium smoking either by the public generally or by so-called clubs, I am directed to forward, for the information of the Government of India, the accompanying copies of the papers noted in the margin and to make the following observations.

Letter from the Acting Commissioner of Customs, Salt, Opium, and Abkari, No. 2151, dated 14th May 1896, and its accompaniments.

Memorandum from the Acting Commissioner in Sind, No. 1873, dated 22nd May 1896, and its accompaniments.

2. So far as this Presidency is concerned, His Excellency the Governor in Council does not think that any special legislation on the subject is advisable or that it would be possible to adopt with advantage any materially stricter measures of repression than those already in force. But the Governor in Council agrees with Mr. Wingate in holding that the intention of No. 4 (ii) of the Rules under the Opium Act No. 1 of 1878 as amended in 1892, appears to have been to prohibit the possession by one person of more than two tolas of *chandul* or *madat* and not merely of that quantity of opium forming an ingredient of these preparations, and is accordingly of opinion that this intention should now be made clear. In view, however, of a statement made by the Commissioner of Customs, Salt, Opium, and Abkari in a report on the subject in 1892, that the quantity of *chandul* or *madat* consumed daily by one smoker does not exceed one quarter of a tola of the former and one-eighth of a tola of the latter, His Excellency in Council considers that the quantity allowed per head under the rules may safely be reduced to one tola.

3. As regards Mr. Woodburn's suggestion, that the possession of more than a certain quantity of these preparations by any number of persons in one house at the same time should be prohibited, it appears to this Government that it would be somewhat difficult to carry out this measure, for the responsibility must be fixed on particular individuals. But it might perhaps be

be provided by a law or a rule under the Act having the force of law that *chandul* or *madat* found in a room of a house will be presumed to be in possession of its occupant, so that he will be liable to penalty if the quantity is in excess of that allowed to be in possession of one person. If such a law or rule could be enforced, and if the reduction suggested in the foregoing paragraph in the quantity allowed per head be also made, these measures would, in the opinion of His Excellency the Governor in Council, tend to the suppression of smoking saloons, and to the diminution of facilities for opium smoking by the public generally.

Enclosure 1 in No. 3.

A. Wingate, Esq., C.I.E., Acting Commissioner of Customs, Salt, Opium, and Abkari, Bombay, to the Secretary to the Government of Bombay, Revenue Department.—No. 2151.

14th May 1896.

I HAVE the honour to submit the report called for by Government Resolution No. 9821, dated 11th December 1895, Revenue Department, as to the possibility or advisability of legislation against the use of premises for the purpose of opium smoking by the public generally or by smoking clubs.

2. The extent to which opium smoking, whether of *chandul* or of *madat*, prevails in this Presidency is limited. Outside the Presidency Town it is almost non-existent. In Bagolkot and Bijapur towns a few private individuals are known to smoke in their houses. There are a few places in Khandesh where people meet to smoke opium. In Ahmedabad, Surat, Malegaon, and Poona a few smoking clubs are known to exist. Stopping the sale of the preparations of opium for smoking has in most places had the effect of discouraging the practice of smoking opium, and it is nowhere reported to be on the increase, except perhaps in Malegaon, where there is a considerable Momin population. The Collectors are, therefore, almost unanimous in opinion that legislation is not necessary, and further that it is inadvisable to interfere with domestic habits without the strongest necessity; nearly all deprecate domiciliary visits.

3. As regards Bombay, I append copies of the Bombay Collector's No. 4048 C, dated 11th March 1896, with enclosures, and of No. 209—45, dated 10th January 1896, from the Commissioner of Police. It appears that in Bombay the number of smoking places has increased since the withdrawal from the licensing system from 20 to 71, but it does not follow that the number of smokers has largely increased, though they have scattered. This is, however, undoubtedly an evil as tending to popularise the habit.

4. One possible way of checking the habit is that suggested by Mr. Campbell, namely, to presume that when people are found night after night in the same rooms for the purpose of smoking opium that the place is a "club" kept for profit. The Gambling Act furnishes a precedent for a presumption of this sort. The Commissioner of Police is, however, of opinion that legislation of this nature would still more scatter smokers, and nearly all officers agree that such legislation would be difficult to enforce.

5. Another way is to limit the possession of any preparation of opium that may be found on the same premises and to permit only one pipe. The question as to what are "premises" where houses of many stories are let in tenements of one or two rooms would be difficult to determine, and pipes are easily concealed, not to say that if an individual is to be permitted to smoke he is entitled to use his own pipe.

6. It has been assumed, and I believe also judicially decided, that a preparation of opium must contain more than two tolas of crude opium, and hence this allows per head four tolas of *chandul* or *madat*. As a smoker is said only to smoke $\frac{1}{4}$th tola to $\frac{1}{8}$th tola, the person to whom two tolas of crude opium are given for preparing *chandul* can easily supply customers who do

not themselves possess opium. I venture to think that reading paragraph 6 with paragraph 5 of the letter from the Commissioner of Customs, Salt, Opium, and Abkari, printed in the preamble to Government Resolution No. 5424, dated 2nd July 1892, Revenue Department, it is open to argument whether it was not the intention to limit legal possession of *chandul* or *madat* to *two* tolas of the preparation. This would be a move in the direction of restricting smoking. This limitation would have to be confined expressly to *chandul* and *madat*.

7. In conclusion, I would respectfully submit that the time for legislation has not come so far as this Presidency is concerned. It is not desirable that the habit of smoking opium should spread widely or rapidly. I would suggest that registers of the smoking places in the Presidency be kept and of the numbers attending each place; and if after two or three years there are clear indications that the habit, which at present is infinitesimal in the population, is taking root and growing, the question can be further considered.

Enclosure 2 in No. 3.

R. H. Vincent, Esq., Commissioner of Police, Bombay, to the Acting Commissioner of Customs, Salt, Opium, and Abkari, Bombay.—No. 209–45.

10th January 1896.

In reply to your letter No. 6186, of the 19th ultimo, I have the honour to state that, in my opinion, it is impossible to invent any legal procedure which would prevent the establishment of so-called clubs for the purpose of smoking opium. Such clubs would be itinerary ones, here to-day, there to-morrow. The persons addicted to opium smoking assemble in the house of one friend one day and in that of another the next day, and the rooms used by them would no doubt be selected so that the Police could not have access thereto without previous knowledge of the occupants. The simple excuse that the room is in the occupation of women would most often be put forward, and this would prevent the Police from gaining immediate admittance, which is, of course, a *sine quâ non*. The machinery also at my disposal is not such that I could place implicit confidence in their motives and action in this respect, because it must be remembered that, although opium smoking is by some people considered disgraceful, the greater number of the people do not see any or much harm in it. For the purpose of permitting Police officers to enter such premises, the issue of a warrant, after sworn information, would be necessary, and, even if the Police gain admittance, what are they likely to find in such room? No more opium would be found than what each person is legally entitled to have possession of, and the pipe or instrument used in smoking opium is so small a thing that it could be easily thrown away or hidden. But, even if found, how could it be proved that the pipe has been used for opium purposes, and would Magistrates be likely to convict on the flimsy evidence that could at best be procured?

Enclosure 3 in No. 3.

Memorandum by R. P. Jahangir, Esq., Assistant Collector of Customs and Opium, Bombay.—No. 57.

12th February 1896.

The undersigned has the honour to state that a careful consideration of the subject of opium smoking in the town of Bombay leads him to the opinion that the only measure, as far as he is able to judge, that would seem to him to be effectual in discouraging and suppressing the habit, would be the making of *chandul* and *madat*, and the implements for smoking them with, as difficult as possible of obtainment.

2. It

2. It is found very difficult to obtain convictions against the managers of some of the so-called smoking or *kasumba* clubs, who, under the ostensible practice of clubbing their opium together to manufacture their *chandul*, sell the preparation to the so-called members.

3. The undersigned, therefore, ventures to think that, as long as no provision is introduced into the opium rules to make the possession of more than four tolas of the *chandul*, *madat* or *kasumba*, and of one *chandu* or *madat* smoking pipe within the same premises penal, that there is absolutely no chance of successfully coping with the opium smoking habit.

4. The undersigned has the honour to submit herewith a list prepared with much care by the Chief Inspector, Mr. Fazlulla, of the *chandu* and *madat* smoking and *kasumba* drinking dens at present existing in Bombay. The tendency of these places to increase, in spite of the effort of this Department to check it, can well be understood from the fact that there were only 20 licensed places of the kind when in 1893 Government withdrew its control from the licensing of such places.

List of the Private Chandu Smokers.

Serial No.	Name of Smoker.	Residence.
1	Asad (Musalman)	Old Nagpada.
2	Ainwain (Chinaman)	Corner of J. J. Hospital.
3	Asawa (Chinaman)	Bhindi Bazar.
4	Alibhai	Kamatipura.
5	A Chinaman, keeper of a jamat-khana	Nall Bazar.
6	„ „ „ „	Charbutti near Nall Bazar.
7	A Chinaman, dealer in chairs	Kalbadevi.
8	„ „ „	Two tanks.
9	Bairamji Parsi	Tin Batti (Nall Bazar).
10	Chu-chai, a Chinaman	Bhindi Bazar.
11	Ghulam Shah	Ghas Bazar.
12	Ibrahim	Khetwadi.
13	Kairim (Musalman)	Teli Gali.
14	Muhammad Ali	Nall Bazar.
15	Nasir Ali	Bhindi Bazar.
16	Sagaji (Hindu)	„ „
17	Tata (Chinaman)	„ „
18	Umru (Musalman)	Kamatipura.
19	Yakub	Khetwadi.

FAZLULLA,
Chief Inspector, Opium.

List of Opium-smoking and Kasumba-drinking Shops in the Town and Island of Bombay.

Serial No.	Name of Keeper of Shop.	Name of Locality.	Description.
1	Abdul Malik	Tely Gali	Chandu.
2	Abdulla Khan Madwan	Bhindi Bazar	„
3	Abdulla	Nall Bazar	Madat.
4	Alli Nakta	Barah Imam Lane	Chandu.
5	Abdulla	Nall Bazar	„
6	„	Ghas Bazar	Madat.
7	Abdul Wahid	Duncan Road	Chandu.
8	Barkat Ali	Chakla	„
9	Bamiu (woman)	Bhindi Bazar	Kasumba.
10	Babu Mian	„ „	Chandu.
11	Bansi	„ „	„
12	Birj Lall	Nall Bazar	„
13	Bhagu (woman)	Duncan Road	„

Serial No.	Name of Keeper of Shop.	Name of Locality.	Description.
14	Babu Hari Shankar	Khetwadi	Chandu.
15	Chhotu	Narel Wadi	,,
16	Din Mohammad	Chakla	,,
17	Dilawar	Ghas Bazar	,,
18	Fakera	Bhindi Bazar	,,
19	Ghulam Hussain	,, ,,	Madat.
20	Ghani Bhai	Barah Imam	Chandu.
21	Ghulam Nabi	Kamatipura	,,
22	Haji	Bhindi Bazar	Kasumba.
23	Haji Arab	,, ,,	Chandu.
24	Hasan Arab	Duncan Road	,,
25	Hasan	,, ,,	,,
26	Ismail Bapu	Chakla	,,
27	Ismail Gonli	,,	,,
28	Ismail	Bhindi Bazar	,,
29	Ibban	Bara Imam	,,
30	Jaina (woman)	Bhindi Bazar	,,
31	Kasim Ali	,, ,,	Kasumba.
32	Kazim Hussein	,, ,,	,,
33	Kurlawali Bibi	,, ,,	Chandu.
34	Kasu	Kamatipura	,,
35	Khuda Bux	Surti Muhalla	,,
36	,, ,,	Mahim	,,
37	Khair Muhammad	,,	,,
38	Lall Muhammad	Ghas Bazar	,,
39	Muhammad	Bhindi Bazar	Kasumba.
40	,,	Piru Havildar's Lane	Madat.
41	Muhammad Sani	Nall Bazar	Chandu.
42	Mijjan Khan	Duncan Road	,,
43	Mahamdu	,, ,,	,,
44	Mian Haji Bahadur	Kamatipura	,,
45	Mir Abbas	Buhra Gali	,,
46	Nur Muhammad	Chakla	Madat.
47	Nanhu	Bhindi Bazar	,,
48	Nakchhu	Nall Bazar Chor Bazar	Chandu.
49	Nanhu Shah	Barah Imam	Madat.
50	Naru	Narel Wadi	Chandu.
51	Nasiban Kam	Bhindi Bazar	,,
52	Ramchandra	Duncan Road	,,
53	Safar	Kavit Gali	,,
54	Sikandar	Bhindi Bazar	Kasumba.
55	Shaik Hussein	,, ,,	Chandu.
56	Suleman	,, ,,	,,
57	Syed Haider	,, ,,	,,
58	Syad Fazluddin	,, ,,	,,
59	Syad Firniwala	,, ,,	,,
60	Syad Muhammad	Piru Havildar's Lane	,,
61	Sheik Abdul Razak	,, ,, ,,	,,
62	Shiwa	Bhindi Bazar	,,
63	Sheik Ahmad	,, ,,	Madat.
64	Sheikhji	Barah Imam	Chandu.
65	Sadiva (woman)	Ghaz Bazar	Madat.
66	Sheikh Hussein	Duncan Road	Chandu.
67	Sana-ulla Khan	,, ,,	,,
68	Tanago	Bhindi Bazar	,,
69	Wazir Sain	,, ,,	Madat.
70	,, ,,	,, ,,	,,
71	Yusaf Kaan Kakin	Piru Havildar's Lane	Chandu.

54 Chandu Shops.
11 Madat Shops.
6 Kasumba Shops.

71 Total.

FAZLULLA,
Chief Inspector, Opium.

Enclosure 4 in No. 3.

Report by J. M. Campbell, Esq., Collector of Salt, Opium, and Abkari, Bombay.—No. 4048 C.

10th March 1896.

FORWARDED with compliments to the Commissioner.

The views expressed by the Assistant Collector seems to be sound. As it has been decided that licenses for opium smoking houses are not again to be granted, our object seems to be to suggest the best practical means for preventing the sale of opium, and its preparation at smoking houses without introducing a provision which would give an opening for the examination of private houses. It appears to me that we should avoid any attempt to control the smoking of opium in private houses. Any such attempt would prove a failure, and a cause of annoyance and temptation for which no theoretical advantage could compensate. It is true that clubs are private houses. Still, in practice, there is a broad line between the rooms where men meet to smoke opium and the privacy of a family dwelling. If the law accepted a presumption of sale when people were found smoking night after night in the same rooms, a prosecution would be all that is necessary to keep the practice within narrow limits. But the law requires proof of sale, and proof of sale is most difficult, is often impossible to obtain. It follows that the houses are in a strong position, as their increase in numbers from 20 to 71 shows. The restriction to four tolas of preparation, equal to two tolas dry opium, may of itself prove sufficient to prevent sale being profitable since so few customers can be present at once. The proposal to restrict the number of pipes to one seems to me somewhat harsh. It might be adopted, but with the condition that it should not be enforced unless the first restriction, namely, to four tolas preparation, fails to prove a practical deterrent.

Enclosure 5 in No. 3.

Memorandum from A. F. Woodburn, Esq., Acting Commissioner in Sind, to the Secretary to the Government of Bombay, Revenue Department.—No. 1873.

22nd May 1896.

THE Acting Commissioner in Sind presents compliments, and has the honour to reply to Government Resolution No. 9821, dated 11th December last, in which his opinion is invited on the point noticed by the Government of India, that it may be possible to carry the policy of diminishing the facilities for opium smoking in India somewhat further by suppressing smoking saloons and legislating against the use of premises for this purpose, either by the public generally or by so-called clubs.

2. The Acting Commissioner has consulted the Collectors and Deputy Commissioners in Sind and the Superintendents of Police, and he appends a précis of their reports. Mr. Woodburn's own opinion, expressed when he was Collector of Hyderabad, is given in the précis, and he still adheres to it. Under amended Rule (4) (ii) no person can have in his possession more than two tolas of any description of opium, nor under Rule 38 can any person, except certain excepted persons, purchase more than two tolas from a retail vendor. There is nothing, however, to prevent purchases of opium, with the quantities allowed, assembling at a so-called club where the keeper of the club prepares the opium for smoking. The amendment of the rule in the direction suggested by Mr. Woodburn, viz., that not more than two tolas of opium, or one tola of *chandul*, shall be possessed by any number of persons in one house at one time, would have the effect of still further diminishing the facilities by which these so-called clubs are kept up without restricting the personal liberty of individuals.

Précis of the Principal Reports received on the subject of diminishing the facilities for Opium Smoking by suppressing Smoking Saloons, and legislating against the use of premises for this purpose either by the public generally or by so-called Clubs.

Karachi.—There are four *chandul* smoking clubs within the Karachi municipal limits in which persons assemble and smoke opium; generally the doors are closed and locked and only smokers admitted; two of these cannot easily be entered by the Police without warning to the owners. Mr. McIver would like to see such premises very carefully regulated. To prohibit them entirely would drive smokers to assemble in private houses. In Mr. Giles, the District Magistrate's opinion, legislation might very well proceed on the same lines as the Gambling Act for stopping common gaming houses, viz., by defining an opium smoking saloon or den in the same manner, *mutatis matandis*, as a "common gaming house" is defined in Section 3 of Bombay Act IV. of 1887, with the same principle involved, viz., the utensils used in smoking being kept *for the profit* of the owner, occupant, or person using or keeping the room, in whatsoever way the profit may be taken. Provisions similar to those in Sections 5, 6, 7, 10, and 11 of the Gambling Act would be applicable.

Hyderabad.—Mr. Woodburn states that in this district *chandul* is not smoked except in the town of Hyderabad, where there are about six or eight private houses where people meet to smoke. Of these four are said to be places where *chandul* is sold by the owners of the houses to regular frequenters or persons introduced by them. *Chandul* smoking is practised by a mere fraction of the population, and does not cause any crime or scandal, and Mr. Woodburn considers that, so far as his district is concerned, there is no need whatever for legislation. If legislation is thought desirable elsewhere, the simplest way of suppressing *chandul* clubs and saloons would be to prohibit, under penalty, the possession of more than a certain quantity by any number of persons in one house at the same time. The quantity might be two tolas of opium or one tola of *chandul*.

Shikarpur.—The Collector, Colonel Mayhew, states that the number of persons addicted to opium smoking is so infinitesimally small and the evil is of so trifling a nature, at least so far as this portion of the country is concerned, that legislation appears unnecessary.

Mr. Spence, the Superintendent of Police, states that there are three so-called clubs for the smoking of opium preparations in the town of Sukkur and five in the town of Shikarpur; that there is no doubt that the sale of opium preparations is more or less carried on surreptitiously, two cases having lately been detected and prosecuted to conviction in Shikarpur; that there is also no doubt in his opinion that until the use of premises for this purpose is prohibited by law, it will be impossible to entirely restrict the surreptious sale of such preparations, and that legislation with this object is both feasible and advisable.

No. 4.

W. S. Meyer, Esq., Officiating Deputy Secretary to the Government of India (Finance and Commerce Department), to the Secretary to the Government of Bombay.—No. 3386 S.R.

10th August 1896.

I AM directed to acknowledge the receipt of your letter No. 5047, dated 27th June 1896, and to state that the advisability or otherwise of legislation against the use of premises for public or *quasi*-public opium-smoking will be considered by the Government of India when replies are received from all other Local Governments and Administrations to paragraph 5 of the Resolution in this Department No. 5460 S.R., dated the 19th November 1895, and that the result of such consideration will be separately communicated to the Government of Bombay.

2. In

2. In the meantime I am to convey the approval of the Government of India to the proposal contained in paragraph 2 of your letter to reduce from two tolas to one tola the quantity of preparations, such as *chandu* or *madak*, which may lawfully be possessed by an individual for smoking purposes. I am to request that such alterations as may be required in the rules issued by the Government of Bombay under the Opium Act to give effect to this measure may be submitted in due course for the sanction of the Government of India.

3. I am at the same time to suggest, for the consideration of His Excellency the Governor in Council, the advisability of raising the present limit of private possession of crude opium from two tolas to three in view to making the limit of possession uniform as far as possible in all Provinces. The limit of two tolas, which now prevails in Bombay, is lower than that in force under any Indian administration except the Central Provinces.

No. 5.

J. A. Crawford, Esq., Offg. Agent to the Governor General in Baluchistan, to the Secretary to the Government of India, Finance and Commerce Department.—No. 61 C.

10th July 1896.

With reference to the Resolution of the Government of India in the Department of Finance and Commerce, No. 5460 S.R., dated the 19th November 1895, on the subject of opium, I have the honour to report as follows:—

2. The rules under the Opium Act which are now in force in British Baluchistan and the Agency territories were approved by the Government of India in the Foreign Department Letter No. 517 E., dated the 10th March 1890, and were published in Notifications of this office Nos. 1623 A and 1624 A, dated the 19th April 1890. It will be observed that these rules admit of (*a*) the licensing of shops for the sale of preparations of opium (such as "*chandu*" and "*madak*") used for smoking, and (*b*) the possession by individuals of more than 180 grains (one tola) of such preparations. It appears from paragraph 2 of the Resolution cited above that the Government of India have decided to put a stop to such licensing and possession. In order to give effect to this decision, various changes in the existing rules seem necessary. I submit a copy of the rules with the amendments I would propose shown in red ink. As the amendments are somewhat numerous, it will be convenient if the rules, as finally settled, are published in a fresh Notification from this office.

3. Pending sanction to the amendments indicated above, Political Agents have been directed to at once prohibit the sale of "*chandu*" and "*madak*." When the current contracts for the sale of opium in Quetta-Pishin and the Bolan Pass were sold, the Political Agent warned purchasers that the sale of "*chandu*" and "*madak*" would in all probability be prohibited. The Political Agent in Thal Chotiali informs me that in his district no shop is licensed to sell preparations of opium used for smoking; and the Political Agent in Zhob has already stopped such sale in the only licensed shop there was in his district.

4. The existing rules under the Opium Act were made before the Revenue Commissionership in Baluchistan was created; and the powers conferred by the rules upon the Chief Commissioner may now, I submit, be formally transferred to the Revenue Commissioner. They are not of special importance; and the Revenue Commissioner has been exercising them for the last few years, at least in regard to sanctioning the sales of contracts. In accordance with this suggestion the words "Revenue Commissioner" have been substituted for "Chief Commissioner" in rules 1 (i), 5, 7 (i), 9, 13, 17, 18, and 19 in the copy enclosed.

5. As

5. As regards paragraph 5 of the Resolution, I venture to think that there will be no objection to following in British Baluchistan and the Agency territories the decision which may be arrived at by the Government of India for other provinces. I have ascertained that in Quetta town there are about half-a-dozen premises used for opium smoking, and that there are none in the districts of the Baluchistan Agency.

No. 6.

Captain K. D. Erskine, Secretary to the Chief Commissioner of Coorg, to the Secretary to the Government of India, Finance and Commerce Department.—No. 1 (Camp).

28th December 1895.

I AM directed to acknowledge the receipt of the Resolution of the Government of India, No. 5460 S.R., of the 19th ultimo, and, in reply to paragraph 5 thereof, to state that there are no smoking-saloons or clubs in Coorg, and that therefore legislation is not required so far as Coorg is concerned.

No. 7.

E. A. Gait, Esq., Offig. Secretary to the Chief Commissioner of Assam, to the Secretary to the Government of India, Finance and Commerce Department.—No. 22 F. & C. 1299/R.

16th April 1896.

I AM directed to acknowledge the receipt of the Resolution of the Government of India, No. 5460 S.R., dated the 19th November 1895, on paragraph 195 of the Report of the Royal Commission on Opium. In paragraph 2 of the Resolution the Chief Commissioner has been requested to submit any alterations of the rules in force in Assam under the Opium Act that may be required to give effect to the decision arrived at by the Government of India, that all Local Governments and Administrations should in future cease to license shops for the sale of preparations of opium used for smoking, while not attempting to prevent the manufacture of such preparations by individuals for the purpose of private consumption; and, in paragraph 5, the Chief Commissioner has been asked to express an opinion as to the possibility or advisability of legislation against the use of premises for opium smoking, either by the public generally or by so-called clubs.

2. In reply, I am to say that the rules under the Opium Act, 1 of 1878, which were issued with the Chief Commissioner's Notification, No. 3506 R., dated the 3rd August 1894, with the previous sanction of the Governor General in Council, conveyed in Mr. Baker's Letter No. 2725 Ex., dated the 31st May 1894, have been so amended as to give effect to the decision of the Government of India that in future no shop shall be licensed for the sale of preparations of opium. * *

3. As to the question of legislation against the use of premises for the purposes of smoking opium, I am to say that there are no smoking saloons or clubs, properly so called, in Assam, and that the Chief Commissioner, therefore, considers it unnecessary to legislate against the use of such premises, so far as this province is concerned.

No. 8.

F. C. Gates, Esq., Revenue Secretary to the Chief Commissioner of Burma, to the Secretary to the Government of India, Finance and Commerce Department.—No. 278—3-O. 2.

9th July 1896.

I AM directed to reply to your letter No. 5461 S.R., dated the 21st September 1895, concerning the possibility or advisability of adopting measures for the suppression of opium-smoking rooms in Burma.

2. In February 1892 orders were issued to suppress opium-smoking rooms as far as possible. The Financial Commissioner has now been consulted as to the possibility of adopting further restrictive measures, and he, after consultation with selected officers, is of opinion that any attempt to suppress these smoking rooms by further legislation would only be used as a means for levying blackmail, and is therefore to be deprecated.

3. From the reports received from the various officers consulted, it appears that opium-smoking rooms exist in most of the large districts of this province, and it has been found impossible to suppress them altogether. Under the present law the keeper of a smoking room can be convicted if he sells opium, and though there is no doubt that opium is freely retailed in some of the rooms, it is difficult to obtain evidence of the sales.

4. It has been suggested that the proprietor might be convicted of manufacturing opium, but Mr. Smeaton does not consider that the manipulation of opium preparatory to smoking can he held to amount to manufacture.

5. It would perhaps be possible so to alter the law that the keeper of a smoking room should be liable to conviction for some act easier of proof than the sale of opium, *e.g.*—

provision of pipes.
„ couches.
„ an attendant.

But even then payment for this accommodation would have to be proved, since a man could hardly be punished for a nightly assemblage of his opium-smoking friends. Such payment would be almost as difficult to prove as sale is at present.

6. Several officers have seized the analogy of the Gambling Act and legislation on this pattern would undoubtedly be the only effectual course. But in Mr. Smeaton's opinion the cure would be worse than the disease and would merely result in the levy of blackmail by corrupt subordinates. It has been decided to permit opium smoking in Burma, and to allow the retail sale of chandu or beinsi, and smokers will certainly go where they are made comfortable.

7. I am accordingly to submit that in Mr. Smeaton's opinion restrictive measures have for the present gone far enough and he does not advocate any further legislation directed against private smoking rooms. The present law and rules if effectually handled should reduce illicit sale to a minimum, and if that object is achieved it does not, for the present at least, matter much how or where the illicit drug is consumed. Mr. Smeaton considers that the matter may wait for a year or two. If it is then found that opium-smokers congregate in such a conspicuous way as to become objectionable and to attract attention, the question of legislation will be submitted. At present Mr. Smeaton considers that local officers have good ground for their apprehensions that any legislation in this direction would be liable to abuse.

No. 9.

R. G. Thomson, Esq., Revenue Secretary to Government, Punjab and its Dependencies, to the Secretary to the Government of India, Finance and Commerce Department.—No. 178.

20th July 1896.

WITH reference to paragraph 5 of the Resolution of the Government of India No. 5460 S. R., dated 19th November 1895, I am directed to say that the Lieutenant-Governor has consulted the Financial Commissioner, the Excise Commissioner and various other officers on the subject of the possibility or advisability of legislation against the use of premises for opium smoking either by the public generally or by so-called clubs. It will be seen from the copies of the correspondence* submitted herewith that the Financial Commissioner thinks that even if opium-smoking saloons be suppressed, it would not necessarily follow that much impression would be made on the practice of smoking preparations of opium, and that, on the whole, legislation on the subject is to be deprecated. I am to say that the Lieutenant-Governor agrees with Mr. Tupper's conclusions, and has nothing to add.

* Junior Secretary to Financial Commissioner's No. 409, dated 5th June 1896, and enclosures.

Enclosure 1 in No. 9.

Pandit Hari Kishen Kaul, M.A., Junior Secretary to Financial Commissioners, Punjab, to the Revenue Secretary to Government, Punjab. No. 409.

5th June 1896.

IN reply to your endorsement No. 228 of 6th December last, forwarding for opinion copy of Government of India Resolution on the subject of legislation against the use of premises for opium-smoking, I am directed to submit the papers marginally† noted, and to convey the following remarks of the Financial Commissioner.

† Commissioner of Excise No. 77 of 19th May 1896, and enclosures.
Commissioner of Excise No. 79 of 22nd May 1896, and enclosure.

2. The question whether the facilities for smoking opium or preparations of opium should be further diminished in the Punjab by suppressing smoking saloons is one on which opinions are likely to differ, and they do in fact differ, as will be seen from the enclosures of the letters cited in the margin. The Royal Commission in paragraph 195 of their report (quoted in the Resolution of the Government of India here under consideration) noted that in the opinion of experienced officers it would be difficult to suggest legislation for this purpose which would be effective and not open to many objections.

3. In the present papers Mr. Tupper, I am to say, sees a confirmation of this view.

The Deputy Commissioner of Bannu suggests the prohibition of chandu smoking except on licensed premises. It is not probable that Government would agree to license premises, however sound the argument may be that a licensing system is really a restrictive system. The suggestion is also open to the objection that it would involve making the private smoking of chandu a penal offence, an extreme measure which, as is plain from the remarks of the Government of India, would not be adopted. A somewhat similar proposal put forward in paragraph 6 of the Mooltan report, *viz.*, that private chandu khanas be suppressed and public chandu khanas be re-established, is liable to similar objections. The Deputy Commissioner of Lahore would make it a punishable offence to resort to or keep a smoking saloon. This would add to the number of petty offences with consequent opportunities for blackmail, an objection which probably applies to most schemes which could be devised for suppressing smoking saloons. It may further be doubted whether legislation to this effect would be capable of fulfilling its purpose unless

unless a power of entry were taken similar to that conferred by Section 5 of Act III. of 1867 (the Gambling Act). The Deputy Commissioner of Amritsar mentions only to discard the idea that smoking in company by two or more persons might be declared an offence. This would be so manifestly objectionable that it need not be discussed.

4. Of all the proposals made that of the Excise Commissioner, I am to observe, most deserves consideration. Mr. Walker does not, it is true, suggest an addition to the number of petty offences, but he apparently relies on liability to domiciliary visits by an inspector of police as sufficient to cause a smoking saloon to be closed. Whether it would prove so seems doubtful. In any case some people might take exception to the registration of smoking saloons for the same reasons as would be brought against licensing them, and the opportunity for reporting houses as smoking saloons would also be an opportunity for collecting hush money.

5. Even if the saloons be suppressed, it does not follow that much impression would be made in the practice of smoking preparations of opium. In a doubtful case of this kind Mr. Tupper thinks it is safer to do too little than to err on the opposite direction, and on the whole he concurs with the Deputy Commissioners of Delhi, Amritsar, and Dera Ghazi Khan in deprecating legislation.

Enclosure 2 in No. 9.

G. C. Walker, Esq., C.S., Commissioner of Excise, Punjab, to the Junior Secretary to Financial Commissioner, Punjab.—No. 77.

19th May 1896.

I HAVE the honour to acknowledge your endorsement No. 6872 of the 17th December, forwarding for opinion a copy of Government of India, Finance and Commerce Department, Resolution No. 5460 S.R. of the 19th November, in which the Local Government is requested to furnish the Government of India with an expression of their opinion as to the possibility or advisability of legislation against the use of premises as resorts for the purpose of smoking opium or preparations of opium either by the public generally or by so-called clubs.

2. On receipt of your communication I forwarded extracts from the correspondence to the Deputy Commissioners of all districts in which the habit of opium smoking has from time to time been mentioned in previous reports as existent; and copies of their replies as marginally noted are submitted herewith.

(1.) No. 122, dated 16th January 1896, from Deputy Commissioner, Peshawar.
(2.) No. 65 R., dated 18th January 1896, from Deputy Commissioner, Umballa.
(3.) No. 122, dated 3rd February 1896, from Deputy Commissioner, Delhi.
(4.) No. 658 G., dated 10th February 1896, from Deputy Commissioner, Rawalpindi.
(5.) No. 647, dated 14th February 1896, from Deputy Commissioner, Lahore.
(6.) No. 151, dated 15th February 1896, from Deputy Commissioner, Mooltan.
(7.) No. 313, dated 4th March 1896, from Deputy Commissioner, Dera Ghazi Khan.
(8.) No. 526, dated 2nd April 1896, from Deputy Commissioner, Amritsar.

3. It will be observed that opinions differ as to the efficacy of the previous restrictive legislation against opium-smoking, whereby in this Province the licensing of premises for the smoking of opium and preparations of opium has been prohibited. The Deputy Commissioner of Rawalpindi, for instance, remarks that the closure of madak and chandu shops has not discouraged smoking to any extent; while in Amritsar it is said the desired effect of putting a stop to the practice of opium smoking has not been gained. From the Mooltan District we learn that since the suppression of chandu shops, the number of smokers in the city and cantonments has considerably increased, and were formerly there were only two public chandu khanas, there are now twelve separate premises in which opium smoking is practised in company. The explanation offered of this unlooked for result is that many of the better class, who were ashamed to resort to public chandu khanas, now have the

former *habitués* of the licensed saloons to join them in making up private parties for smoking in company. Without assuming that there are *really* more smokers now than before, an *apparent* increase might be accounted for by supposing that recent legislation and special inquiries made in connection with annual reports and other occasions have directed closer attention to the subject. However this may be, the figures supplied from Mooltan, and indeed I think from Delhi also, furnish evidence that opium-smoking in company flourishes in some towns at least as well under the private club system as it did formerly in the public saloons; and if the former is allowed to continue unchecked, there is perhaps danger of the smoking habit spreading to classes of people who would have shrunk from exhibiting themselves in places of public resort. To smoke opium or its preparations in comfort special instrument are required. Formerly those were obtainable only at the licensed *chandu khanas;* now that the habit has been introduced of smoking in private premises, the number of such instruments is likely to increase.

4. Of the officers who have replied to my reference, the Deputy Commissioners of Delhi, Amritsar and Dera Ghazi Khan are opposed to special legislation. The remainder are in favour of it; but only the Deputy Commissioners of Umballa and Lahore indicate the lines on which in their opinion such legislation should proceed.

5. In my opinion it is uudoubtedly desirable to supplement the recent prohibitions against opium smoking on licensed premises and against licensing shops for such smoking by special legislation directed against private smoking clubs; and I think it would be quite possible to frame such legislation in a form that would prove acceptable to all classes in India except confirmed opium smokers of the present day, who are few in number and are not generally men of any influence among the community.

6. The form I would suggest the legislation might safely take is to enact that any house habitually resorted to by opium smokers other than persons permanently resident in the house may be reported to the District Magistrate, who, on receipt of such information, may call upon the owner of the house to show cause before him why the house should not be registered as a private opium-smoking saloon. Any house so registered should be open to domiciliary visits at any hour of night or day by an officer of not lower rank than an Inspector of Police.

Enclosure 3 in No. 9.

Mr. W. R. H. Merk, Esq., C.S.I., Deputy Commissioner, Peshawar, to the Commissioner of Excise, Punjab.—No. 122.

16th January 1896.

In reply to your letter No. 25, dated the 8th January 1896, I have the honour to state that by your Circular No. 2 of 1890 all the licensed madak and chandu shops were closed with effect from the 31st March 1890, but there is nothing to prevent a man from opening a smoking saloon to which the frequenters could legally bring their own opium and smoke in company. I think public smoking saloons should be prohibited, but I would not go further and forbid opium smoking in private houses, for this would involve an amount or opportunity of domiciliary interference which in India would be a greater evil than opium-smoking.

Enclousre 4 in No. 9.

Captain C. G. Parsons, Officiating Deputy Commissioner, Umballa, to the Commissioner of Excise, Punjab.—No. 65 R.

18th January 1896.

With reference to your No. 27, dated 8th instant, I have the honour to say that it is reported to me that since the licenses were withdrawn for the two madak

madak and chandu shops in the city and cantonments, the habit of opium smoking has been largely given up for want of a suitable place for smokers to meet in company, and that a large proportion of smokers are content with eating opium.

2. Some smokers, however, who possess the necessary apparatus for manufacturing and smoking madak and chandu, still smoke in private, and at times friends join them. But this is not often the case, and much good in the way of suppressing smoking has been done by recent reforms, the habit having been rendered more disreputable in the eyes of the public than it was ever before; it is hoped that it will become rarer and rarer.

3. I think it would be difficult to interfere officially with the houses of smokers which exist, as these are not smoking saloons in the usual sense of the word, but actually private houses. It would be inadvisable to give lowly-paid police officers powers to search for such houses in an inquisitorial way. Still I think that the law might deal with notorious cases.

4. I think that legislation might lay it down that in the event of a private person becoming notorious for using his house for smoking gatherings, a warrant for the search of his house might be applied for to a Magistrate. I would in such case suggest that the search should only be conducted by an Inspector or at least a Deputy Inspector of Police. I would also restrict such searches to towns at the head-quarters of a district or at any rate large centres.

Enclosure 5 in No. 9.

Captain H. S. P. Davies, Deputy Commissioner, Delhi, to the Commissioner of Excise, Punjab.—No. 122.

3rd February 1896.

With reference to your letter No. 23, dated 8th January 1896, I have the honour to inform you that there are in Delhi 54 houses, well known to the Police, where opium smoking takes place.

2. The number of persons to be found at any time in any of these houses would very seldom exceed 10. It would be very difficult to bring these houses within the definition of a smoking saloon; the reply of the persons there would be that they bring their own opium and come there because the man in charge knows how to prepare the stuff properly.

3. No respectable person goes to these shops, and it is very probable that some payment is made by the persons who frequent the shops, but that is a most difficult matter to prove.

4. Considering that there is little or no concealment about the shops, that no disorder is occasioned by them, I think it would be most doubtful policy to close them by special legislation. It would at once result in a certain impetus being given to this recreation and would lead to the practice being carried on secretly with perhaps the formation of clubs on a large scale which would be difficult to control. In a large city like Delhi, with persons congregating from all parts of India, it is surely better to have such places openly and decently existing than to have the practice secretly carried on, as no legislation could put a stop to the practice.

Enclosure 6 in No. 9.

Mr. H. B. Beckett, Esq., Deputy Commissioner, Rawal Pindi, to the Commissioner of Excise, Punjab.—No. 658 G.

10th February 1896.

In reply to your No. 26, dated 8th ultimo, I have the honour to state that, as has been already mentioned in Excise Reports of this district the habit of

opium smoking prevails to a considerable extent in different parts of the district, and saloons do exist where smokers congregate to indulge in the habit. The closure of madak and chandu shops in 1890, and the limitation to one tola of the quantity of the above preparations which a private person may possess have not discouraged opium smoking to any great extent. I think it would be advisable for Government to legislate against the use, by the public or so-called clubs, of premises for opium smoking. There do not appear to be any serious objections to this.

Enclosure 7 in No. 9.

Mr. A. Meredith, Esq., Deputy Commissioner, Lahore, to the Commissioner of Excise, Punjab.—No. 647.

14th February 1896.

I HAVE the honour to reply to your letter No. 24, dated 8th January 1896, forwarding for opinion copies of correspondence on the subject of legislation to prevent opium-smoking. It is conceded that the practice is most injurious. and at the same time that undue interference with the liberty of the subject is a delicate matter, not warranted except in extreme cases, and involving in this case possible future political consequences. As far as the latter is concerned, the number of opium smokers in the Punjab at least is not sufficient to give rise to the belief that interference with their freedom in this respect would involve any political danger, though it might in other parts of India. I have consulted several gentlemen of the city and opium merchants, and all with one exception are in favour of legislation, though they have not specified what form in their opinion preventive measures should take.

2. Mr. Robinson, the Excise Officer, suggests—

(*a*) The definition of a smoking den as any place where more than three persons assemble to smoke opium, provided that such persons are not members of one household.

(*b*) To provide punishment for resorting to a smoking den, as so defined, for the purpose of smoking preparations of opium.

(*c*) To provide punishment for the owner or occupier of a house so used, if present at such smoking.

For myself, I would render the owner or occupier liable in any case, whether actually present at the time of detection or not.

3. Mr. Robinson also suggests the registration of all opium smokers with a view to discourage the habit, but I hardly think this advisable. On the whole I am of opinion that legislation might be introduced somewhat on the lines indicated in paragraph 2 of this letter, and I do not think it would be objected to by any large section of the population.

Enclosure 8 in No. 9.

Mr. T. J. Kennedy, Esq., Deputy Commissioner, Mooltan, to the Commissioner of Excise, Punjab.—No. 151.

15th February 1896.

IN compliance with your order, I have the honour to submit a report on the consumption of madak and chandu drawn up by Mr. Foyster, Assistant Commissioner, the Excise Officer of the district, in accordance with the instructions conveyed in letter No. 28 of the Commissioner of Excise, Punjab, dated 8th January 1896.

1. It appears that since the suppression of chandu shops the number of smokers in Mooltan city and cantonments has considerably increased. In the cantonments there were previously only 50 smokers; the number has now

now increased to 120. The smokers are chiefly Muhammadans, such as Khojas, Sayads, oil-makers, carriage drivers and shop-keepers; there are some five or six Hindus, Brahmins and shop-keepers. Of the 120 smokers only 10 to 15 are of the higher castes, and all of them are old smokers.

In the city the number has increased from 25 or 30 to 80. The rise of the numbers among the higher castes since the closure of the chandu shops is given by the Excise Darogha as follows :—

	Before the Closure.	Now.
Sayads	4	8
Pathans	2	4
Khojas	10	15
Brahmins	1	10
Hindu shop-keepers	4	10

The remaining smokers consist of bhishtis, khansamas, tinners and carriage drivers.

2. The smoking is almost entirely carried on in private chandu khanas, as the men seem to find more pleasure in smoking in company. A few smoke in private, but hardly any. Previous to the closure of the shops there was one public chandu khana in cantonments and one in city. There are now five private chandu khanas in the city and seven in cantonments.

3. The increase in the number of smokers among the higher castes appears to be due to the fact that formerly they were ashamed to be seen in the public chandu khana and had to smoke in private, which had not much attraction for them. Now that they can get the pleasure of smoking in company without the disgrace of attending the public chandu khana, the number has increased considerably.

4. The regulation restricting the amount of chandu a private person may have in his possession at one time seems to have had no practical effect, as the smokers keep large supplies hidden in some secret place, so that while only keeping about half a tola openly, they replenish the store so quickly and easily that they might just as well have ten times that amount. It does not appear that a further restriction in the amount allowed to be kept would have any different result.

5. It seems to be almost impossible for a man who has smoked for any length of time to give the habit up at once without his health being seriously affected. The result therefore of prohibiting the habit entirely would be simply a large amount of secret smoking. If the habit is to be given up, it must be done gradually, and this result appears likely to be best attained by inducing the smokers to endeavour to give up the habit of their own accord.

6. In the case of the more respectable smokers, at any rate, it seems possible that this might be done by the suppression of the private chandu khanas, and re-establishing the public chandu khana. This public khana would give chandu smokers an opportunity of smoking to the extent necessary to preserve their health, but the publicity would be unpleasant to the higher class men at all events, and would make them anxious to cure themselves of the habit.

The contractor, too, would in this case have an interest in the suppression of illicit smoking elsewhere, and he would assist in bringing offenders to punishment.

7. This suggestion appears to offer some hopes of success among the upper classes, but it must be confessed that it is not likely to affect the lower classes. However, the recent legislation appears to have had the effect of increasing the number of lower class as well as upper class smokers, and so it is possible that a return to the old system might at least reduce the numbers to their former size.

8. In

8. In view of the figures quoted at the commencement of this report, which show that the recent policy has been far from successful in attaining its object, it does not appear probable that any further steps in the same direction would meet with any better success.

Enclosure 9 in No. 9.

Mr. M. L. Dames, Esq., Deputy Commissioner, Dera Ghazi Khan, to the Commissioner of Excise, Punjab.—No. 313.

4th March 1896.

In reply to your No. 62, dated 29th January, regarding madak and chandu smoking, I have the honour to state that, as far as I can ascertain, the recent rules on the subject have had on the whole an advantageous effect. The practice is looked on with disfavour by respectable people of all classes, and the tendency of the rules is to prevent the spread of the practice. It is certain, however, that it still prevails to some extent among the lower or more disreputable classes and that meetings take place at night in private houses for the purpose. It would, I believe, be useless to attempt to put down the practice by law. To do so effectively would entail the necessity of domiciliary visits and other proceedings of an inquisitorial nature which are particularly obnoxious to the people of this country. Even such measures would, I believe, fail in the object of forcibly suppressing chandu or madak smoking, and I am much opposed to their introduction. It would be better, I believe, to trust to the growth of the already existing public opinion against the practice, which will probably be sufficient to prevent its attaining any mischievous development.

Enclosure 10 in No. 9.

Captain C. M. Dallas, Officiating Deputy Commissioner, Amritsar, to the Commissioner of Excise, Punjab.—No. 526.

2nd April 1896.

With reference to your No. 183, dated 16th March 1896, I have the honour to state that from enquiries which I have been able to make up to the present the recent suppression of licensing of all shops for the manufacture and sale of chandu and madak does not appear to have had the desired effect of putting a stop to the practice of opium smoking.

It is still carried on by those addicted to the habit in private houses and clubs where several persons meet together for this purpose. As far as I can at present see, the only way to put a stop to this practice would be to make it an offence for two or more persons to smoke together in company, but I cannot recommend the measure, as I feel certain it would be considered too inquisitorial and would give a power to the Police which could easily be abused.

Owing to press of other work, I have been unable to obtain the opinions of many gentlemen on this point.

Enclosure 11 in No. 9.

Mr. G. C. Walker, Esq., Commissioner of Excise, Punjab, to the Junior Secretary to Financial Commissioner, Punjab.—No. 79.

22nd May 1896.

I have the honour to enclose herewith copy of a letter No. 608, dated the 18th current, received from the Deputy Commissioner, Bannu, regarding the prevalence of opium smoking in his district and the existence of smoking saloons,

saloons, and to say that this communication had not come to hand when I wrote my letter No. 77 of the 19th idem; but it seems to confirm the view expressed in that letter that special legislation is urgently required to supplement the former prohibition against licensing premises for smoking opium; otherwise that prohibition will remain worse than useless.

Enclosure 11 in No. 9.

R. E. Younghusband, Esq., C.S., Deputy Commissioner, Bannu, to the Commissioner of Excise, Punjab.—No. 608.

18th May 1896.

I HAVE the honour to reply to your letter No. 181, dated 16th March last, on the subject of the manufacture and sale of madak and chandu.

2. Up to the 31st of March 1890 the opium licensee in this district was permitted to manufacture and sell madak and chandu for consumption on the premises. On that date the licensed shop was closed and the licence to sell madak and chandu for consumption on the premises was withdrawn. In place of the licensed shop a number of unlicensed "chandu khanas" or smoking saloons came into existence, and there are now no less than eight of these saloons in the town of Edwardesabad. The keepers of these saloons are of the most part prostitutes, pimps and disreputable characters. They cannot be proceeded against under the existing law, as it is impossible to prove the actual sale of chandu, and apparently one tola of opium (which may be lawfully possessed by a single person) produces sufficient chandu for the consumption of a large party. There can, I think, be no doubt that since the closing of the licensed chandu shop the habit of chandu smoking in the town of Edwardesabad has increased considerably and is spreading each year, and there seems to me to be some danger that it will spread to other parts of the district.

3. It appears to be admitted that it is desirable to discourage the practice of chandu smoking and to make it difficult for people to indulge in the habit. One suggestion that has been made to me is to pass a law against chandu smoking similar to the Gambling Act. For my own part, though strongly in favour of restriction, I do not think that so severely repressive a measure as that is required. I should prefer to prohibit chandu smoking except on licensed premises, to give as few licenses as possible, and to impose tolerably severe conditions on the licensees. There would be no great hardship or difficulty in the prohibition of chandu smoking except on licensed premises, as I believe the habit is never indulged in except in company, and the number of licenses could be kept down either by executive order or automatically by charging a high fee for each license, or by combination of both methods.

4. If I remember right, one of the arguments advanced in 1887 in favour of the proposal to close the madak and chandu shops was that, chandu smoking being a vice, it was wrong to issue licenses permitting it to be carried on. I venture to think that the argument was fallacious. Chandu smoking is probably not more vicious a habit than gin drinking, but no one, except possibly an insignificant number of enthusiasts, has ever proposed to close all the gin shops in England. If, as is certainly the case in this district, the habit of chandu smoking in the Punjab has increased and is increasing in the absence of restriction and regulation, it seems to me that we ought to do what we can to check it by restricting it to licensed saloons and keeping down the number of licenses issued.

No. 10.

H. H. Risley, Esq., C.I.E., Secretary to the Government of Bengal, Financial Department, to the Secretary to the Government of India, Finance and Commerce Department.—No. 217 T.—F.

5th September 1896.

In continuation of my letter No. 4486 S. R., dated the 18th August 1896, on the subject of the sale of the preparations of opium used for smoking, and with reference to paragraph 5 of the Finance and Commerce Resolution of 19th November 1895, I am directed to say that the Lieutenant-Governor is strongly in favour of legislation for the suppression of opium-smoking saloons. Such legislation will, he believes, be supported by popular sentiment which, while condoning, if not approving of, the habit of eating opium, condemns opium smoking as physically deleterious and morally disreputable. Gregariousness in vice is at all times to be discouraged, and this particular vice is notorious for its criminal associations. It is clear, moreover, from the facts stated in paragraph 159 of the Excise Commissioner's Report for 1894–95, that the practice of clubbing together for the purpose of smoking opium on ostensibly private premises has already arisen in Bengal, and may be expected to spread unless legislative action is taken to suppress it.

2. As to the form which legislation should take, the Lieutenant-Governor agrees with Mr. Haridas Veharidas in thinking that any law which may be passed should follow the same general lines as the Bombay Prevention of Gambling Act, 1887. It should be observed, however, that the essence of the definition of a gaming-house in that Act is that it is kept for profit or gain. This restriction would nullify the effect of an Act directed against opium-smoking saloons, and would lead to the collection of people in private houses in respect of which it would be impossible to prove that the owner derived any profit from the arrangement. The draft Bill, therefore, which is submitted for the consideration of the Government of India as indicating the kind of measure which appears to the Lieutenant-Governor to be appropriate, follows the analogy of section 141 of the Penal Code, and defines an opium-smoking saloon as a place in which five or more persons, not being members of the same household, assemble for the purpose of smoking opium. The limitation as regards the household is necessary in order to avoid interference with *bonâ fide* opium smoking in private houses by the members of the family. This, as the Opium Commission point out in paragraph 195 of their report, would be regarded as unduly severe and inquisitorial, and could only be made effectual by means of domiciliary visits by the police. The remaining sections of the draft adapt such provisions of the Bombay Gambling Act as appear to be applicable to the case of opium-smoking.

A Draft Bill for the suppression of Opium-Smoking Saloons.

Whereas it is expedient to suppress opium-smoking saloons, it is hereby enacted as follows:—

Short title, extent and commencement.

1.—(1.) This Act may be called the Opium Saloons Act, 189 .

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

Definitions.

2. In this Act,—

cf. Act, I, 1878, (*a*) "opium" includes chandu, madak and any other preparation or admixture of opium;

cf. Mad. Act 1886, s. 3. (20); XII, 1895, s. 3. (*b*) "structure" includes a building, tent, boat or raft, and any part thereof; and

cf. Indian Penal Code, s. 141. (*c*) "opium-smoking saloon" means any structure in which five or more persons who do not ordinarily reside therein or who do not belong to the same family or household are at any time assembled for the purpose of smoking opium.

3. Whoever

Penalty for keeping opium-smoking saloon.

3. Whoever,—

(*a*) being the owner or occupier, or having the use of any structure, opens, keeps or uses the same, or permits the same to be opened, kept or used, for the purposes of an opium-smoking saloon; or

(*b*) has the care or management of, or in any way assists in conducting the business of, an opium-smoking saloon,

shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months.

Cf. Bom. Act IV 1887, s. 4.

Penalty for smoking opium in saloon.

4.—(1) Whoever is found smoking opium, or is found present for that purpose, in an opium-smoking saloon, shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month.

Cf. Bom. Act IV 1887, s. 5.

(2) Any person found in an opium-smoking saloon while opium is being smoked therein shall be presumed, until the contrary is shown, to have been there for the purpose of smoking opium.

Power to issue search warrant.

5. If the Commissioner of Police for a Presidency town, any Provincial Magistrate of the first class, any District Superintendent of Police, or any Assistant Superintendent of Police empowered by the Local Government in this behalf has reason to suspect that any structure is used as an opium-smoking saloon, he may, upon satisfying himself, after such enquiry as he may think necessary, that there are good grounds for such suspicion, issue a warrant to any officer of Police not below the rank of Head Constable authorising and requiring him—

Cf. Bom. Act IV 1887, s. 6.

(*a*) to enter such structure, by day or by night, with any persons whose assistance such officer may consider requisite, and by force if necessary;

(*b*) to search all parts of such structure in which such officer has reason to believe that any opium or any appliances for opium-smoking are concealed, and all or any persons whom he finds therein;

(*c*) to arrest and take before a Magistrate all persons whom such officer finds in such structure, whether they are then actually smoking opium or not; and

(*d*) to seize all opium and appliances for opium smoking which may be found in such structure.

Proof of keeping saloon and smoking opium therein.

6. When any appliances for opium smoking are found in any structure entered under a warrant as aforesaid, or upon the person of any one who is found in such structure, it shall be presumed, until the contrary is shown, that the structure was used as an opium-smoking saloon, and that the persons found therein were present for the purpose of smoking opium, although no smoking was actually seen by the person executing the warrant or by any person acting under his authority.

Cf. Bom. Act, IV 1887, s. 7.

Destruction of appliances for opium-smoking.

7. When a trial under this Act in respect of any opium-smoking saloon is concluded, the Magistrate may order that all appliances for opium-smoking which were found in such saloon or on the person of any one found therein shall forthwith be destroyed.

Cf. Bom. Act IV 1887, s. 8, first para Code of Crimina Procedure, 1882, 517. s.

Indemnification of witness.

8. If any person who has been concerned in opium smoking in contravention of the Act is examined by or before a Magistrate on the trial of any charge under section 3, and makes upon such examination true and faithful, discovery to the best of his knowledge of all things as to which he is so examined,

Cf. Bom. Act IV 1887, s. 10.

the Magistrate may give him a certificate in writing to that effect, and he shall thereupon be freed from all prosecutions under this Act or the Opium Act, 1878, for anything done before the date of such certificate of in respect such smoking.

I of 1878.

Cf. Bom. Act IV, 387, s. 11.

9. A Magistrate convicting an offender under this Act may direct that any portion, not exceeding one-fourth, of any fine which may be recovered from the offender shall be paid to any person on whose information the conviction was obtained.

Reward to informer.

No. 11.

The Secretary to the Government of the North-Western Provinces and Oudh to the Secretary to the Government of India, Finance and Commerce Department.—No. 285.

19th September 1896.

I AM directed to acknowledge the receipt of Resolution, No. 5460 S. R., dated the 19th of November 1895, by the Government of India, in the Finance and Commerce Department, forwarding an extract from paragraph 195 of the report of the Royal Commission on Opium, and calling for an expression of the opinion of this Government as to the possibility or advisability of legislation against the use of premises for opium smoking either by the public generally or by so-called clubs.

2. In reply, I am to forward, for the information of the Government of India, a copy of a letter from the Board of Revenue, North-Western Provinces and Oudh, No. 1352 N./V.S.-21, dated the 30th of July 1896, and of its enclosure, containing reports by the Board and the Commissioner of Excise on the question.

3. It does not appear from the information now before the Government that the total abolition of licences for shops in which preparations of opium for smoking are sold, has seriously affected the habit of smoking, which is still indulged in in unlicensed saloons or clubs. The proposal now made is to place some restriction on these unlicensed premises by legislation; but the danger is that the abolition of such premises might merely have the effect of driving the vice under the surface, and that it would be indulged in in the smokers' houses, with the danger of its spreading amongst their families. It may be said that the cost and trouble of manufacturing the necessary preparations for private consumption would prevent smokers from indulging in the vice at their homes; but the Lieutenant-Governor is by no means certain that they would not find means of overcoming such difficulties.

4. The policy of refusing to license shops for opium smoking may, in his Honour's opinion, prove less effective in discouraging the vice than was hoped when it was introduced; but that policy has been adopted, and it is not certain what the results will eventually be. In this uncertainty the Lieutenant-Governor accepts the opinion of the Board of Revenue that no further steps should be taken to deal with the problem by legislation at present. The Government should, he considers, for the next year or two take up an attitude of watchfulness and observe the result of its present policy. The experience gained in this way will facilitate a final decision as to the course which it is most expedient to adopt.

Enclosure 1 in No. 11.

J. M. Holms, Esq., Joint Secretary to the Board of Revenue, North-Western Provinces and Oudh, to the Secretary to the Government of the North-Western Provinces and Oudh.—No. 1352 N./V.S.-21.

30th July 1896.

I AM directed to report on the question raised in paragraph 5 of the Government of India Resolution forwarded with G. O. No. 359/XIII.-410 A., dated 26th December 1895, as to the possibility or advisability of legislation against

against the use of premises for opium smoking either by the public generally or by so-called clubs.

2. The Commissioner of Excise, North-Western Provinces and Oudh, has been consulted on the subject, and a copy of his opinion, with a summary of the opinions of the Commissioners and District Officers who were consulted by him, is herewith submitted.

3. As regards these provinces, measures have been taken within the last ten years for the suppression of opium smoking, which have been in advance of general official, and also of public, opinion. Between 1876–77 and 1882–83 the number of shops for the sale of *chandu* had increased from 259 to 371. From that year the number was steadily reduced, with at first an excellent effect on the administration, for, to begin with, the quantity of licit opium consumed by a trade greatly suspected of illicit practices increased. The reduction in the number of shops continued, until in 1889–90 there were only 48 shops left. In the following year the number was reduced to 26, and in 1892–93, the last year in which licenses were given, to 14.

4. The abolition of all facilities for the legal purchase of prepared *chandu* in all the larger towns has in this way taken place within the last ten years, and the Board are of opinion that the effect of these measures, which have been taken in the cause of temperance, may now be watched for some time. So far revenue has been sacrificed; but any further measures that may be adopted will necessitate interference with the liberty of the people, and an increased interference by the police in excise matters in which that body takes little interest, unless when stimulated by the prospect of gain. The senior member considers that enough has been done for the present; indeed, he would have preferred to retain for some time longer licensed shops for the vend of *chandu* in the towns in which there was a distinct existing demand for the article. The danger of driving people to smoke *chandu* in private houses, and in this way to teach the vice to women and the young, is a serious one, and Mr. Cadell would therefore leave the clubs alone for the present. He would have no objection to see a certain number of these registered, but it is difficult to make any selection otherwise than automatically by the sale of licenses, and as the system of non-interference now practised has been adopted, the senior member is of opinion that it ought to have a fair trial and a longer one than it has had so far.

5. It may be added with regard to the description of smoking saloons in Benares quoted by the Commissioner of Excise in his letter referred to above that the Board have informed the Commissioner that proprietors of such saloons, if they carry on business in the way described by Mr. Simpson, are unquestionably liable to prosecution under the Opium Act for possession of more than the legal minimum of opium or *chandu*.

Enclosure 2 in No. 11.

W. G. Jackson, Esq., Commissioner of Excise, North-Western Provinces and Oudh, to the Secretary to the Board of Revenue, North-Western Provinces and Oudh.—No. 80 C. E./II.–1.

26th June 1896.

With reference to your No. 34/V.S.–21, dated 18th January 1896, I have the honour to submit the report called for by Government with respect to the possibility or advisability of legislation against the use of premises for the purpose of opium smoking by the public generally or by so-called clubs.

2. As desired by the Local Government, the opinions, fifty-seven in number, of all Commissioners and District Officers have been obtained and collated. The latest reply was received in this office on the 10th June. The delay in disposing of this matter is thus accounted for.

3. The inquiry has elicited very divergent opinions. Thirty-five replies, including those of six Commissioners, are more or less decidedly against any

further legislative interference whatever. Eighteen district officers, including both the statutory civilians who were in charge of districts at the time, and two Commissioners, are in favour of the suppression of opium saloons by legislation, and one District Officer and one Commissioner express no decided opinion.

4. The following, in a slight condensed form, are representative opinions on either side of the question. Mr. Rose, Commissioner of Agra, after discussing the general results of the closing of licensed *madak* and *chandu* shops, and coming to the conclusion that there is no reason to suppose that any general increase in the habit of opium smoking has been the consequence, continues: "Any State interference with the object of checking the habit "would either fail or create evils more aggravated in their character and "more serious in their consequences than the evils it would be likely to "remove. Whether it is the province of the State, for the satisfaction of "misdirected sentiments, to make futile attempts for the restraint of a "doubtful vice is not perhaps in this connection a question to be discussed. "If the gathering together of a few persons for the purpose of smoking opium "were made an offence, the persons affected by the law would only be led to "do their best to evade it, and they would almost certainly succeed. The "law could only be enforced by giving more extensive powers to the police "than they now possess, and the inevitable result would be that the police "would become much more unpopular than they now are. Any possible "increase of the habit of opium smoking should be viewed with far greater "equanimity than should the extension of authority to the police to make "domiciliary visits. There is a law against 'gaming houses,' and the police "have certain power of entry and search. Gambling is a worse vice for the "native of India than opium smoking is; but it is doubted whether it is not "practised quite as much as it would be if there were no law against it. "Wherever a police regulation of vice is attempted, a means of interference "and annoyance is simply placed in the hands of the police, which they can "quickly turn to lucrative ends. Nor would the evil end here. The practice "is probably more frequent among the better class of the people than it is "admitted to be: that it is looked upon as disreputable, and that it is con-"fined to the 'dregs of the people,' are assertions which go for nothing at all. "Many practices are disreputable, but they are found to be prevalent among "all classes, and it is very questionable whether the smoking of opium is "limited in this respect as it is said to be. It is obvious, therefore, that if "there is to be a police regulation of the 'vice,' no person, whatever his "social position may be and however reputable his character, can possibly "take his opium pipe with impunity. It will be idle to make any reser-"vation as to the private consumption of opium in this particular form, and "to limit the action of the preventive authority to 'clubs' and 'saloons' and "places where people are gathered together for the purpose. Any legis-"lation, even if it is granted that the habit is vicious, injurious in the "highest degree—although such an assumption can scarcely be made in the "face of the evidence to the contrary,—would be an interference with "personal liberty and social custom, which would be resented, not "only by the persons directly affected, but by all classes of the com-"munity. The resentment might be, and probably would be, passive, "but it is a matter for grave consideration whether the end to be gained, "admitting the possibility of its attainment, would justify the means and their "consequences." Mr. Neale, Commissioner of the Meerut Division, considers that smoking in saloons is not largely practised in the districts of his division, and that no legislation is at present, or likely to be in the near future, necessary. "The frequenters of these saloons," he says, "could be harried "out of them without much difficulty. But they would merely continue their "habits in their own or their friends' houses, and the process of harrying "would not be creditable to the administration. Control short of this would "be vexatious and fruitless. Besides annoying and impoverishing the smokers, "a wretched and destitute class, it would tend to corrupt the agents of "Government, offering them temptations for extortion which it would be "difficult to resist or detect."

Mr. Williams, Commissioner of Allahabad, does not think legislation is called for. He adds: "In large cities where smoking dens flourish to such

an

" an extent as to be a public nuisance, they can be easily dealt with by means " of municipal byelaws and police regulations." He does not explain how this could be done under the powers of municipal boards as they exist at present.

Mr. Alexander, Commissioner of Gorakhpur, is of opinion that " all that " can properly be done has already been done in these provinces by the " refusal to give licenses for the sale of *chandu* and *madak*, or for the opening " of smoking saloons where these concoctions are supplied to customers. Any " attempt to interfere further with individual liberty would cause evils worse " than those it was sought to cure."

Mr. Mackintosh, Commissioner of Lucknow, says that his District Officers are practically unanimous in thinking that it is neither possible nor advisable to legislate against the use of rooms as smoking saloons either by the public generally or by so-called clubs. In this opinion the Commissioner entirely concurs.

Mr. Mulock, Commissioner of Fyzabad, reports that the practice of opium smoking is rare in the division; that no " clubs " or smoking saloons are known to exist; that public opinion strongly condemns the practice and may be trusted to prevent its spreading without legislative assistance.

Among District Officers Mr. Wyer (Meerut) considers that " it was a fatal " error to give up the system of licensing *chandu* shops. They have been " replaced by unlicensed and uncontrolled dens or clubs. If the official " conscience must be kept pure, let no fee be levied for a license, but all such " dens should be licensed and controlled. At present the admitted evils go " on unchecked and uncontrolled, and to meet this it is proposed apparently " to make all *chandu* smoking penal. Surely this is going too far. Control " would scotch the snake at any rate if it did not kill it."

Mr. Conybeare (Muttra) is strongly of opinion that any legislation of the sort would be in advance of the times, and therefore undesirable. " So long," he adds, " as an English public-house is conducted quietly and decently, " its license is renewed year after year, no matter how many people have " drunk themselves to death in it. The same measure of liberty should " be at present allowed to Indian opium-smoking rooms, which ruin or kill " a far smaller number of people than are ruined or killed by English public-" houses."

Mr. Galbraith (Farukhabad) is much of the same opinion. " Legislation," he says, " would be unwise. Perhaps the re-opening of one licensed shop " in each city would do more towards shutting up 'clubs' and dens than " legislation. No Government can make a people moral. It cannot prevent " drinking, and does not. It cannot prevent men consorting with women; " it only can adopt a palliative measure, and ensure that women are free " from disease. Even that, a very much more important object than the " repression of opium smoking, it cannot just at present do. Just in the " same way, and on the same principle, Government cannot prevent opium " smoking. That being so, the licensed shop must be held superior to the " so-called club, and the so-called club preferable to the unlicensed den, and " the more the two former are discountenanced the more the latter will " flourish, with secret dirty surroundings, and bad unhealthy stuff to smoke into " the bargain. The matter is considered to have gone quite far enough, if " not already too far, and as regards 'the native sentiment,' it has not been " properly interpreted. The natives themselves, the large bulk of them, are " apathetic, and do not care one whit whether opium-smoking shops are or are " not recognized."

Mr. Fraser (Bijnor) remarks that the law does not interfere with persons who meet in a private house to gamble, drink, or fornicate, and he can see no reason why the particular vice of opium smoking should be singled out for interference. " It seems," he continues, " hardly necessary to touch on the " inadvisability of legislation, which opens further doors to false information, " bribery, and police interference. Such requires a very strong urgency to " justify it. The present law is sufficient."

The majority of the remaining adverse opinions appear to be based on the unwillingness of District Officers to place a dangerous power in the hands of the police.

5. I now

5. I now turn to the opinions in favour of legislation.

Mr. Hardy (Commissioner of Rohilkhand), after remarking on the divergence of opinion amongst his Collectors, states that, in his opinion, the Government should either go forward or back. "It will not license "*chandu* shops, but has to submit to see the law practically evaded by the "clubs and private saloons. It is doubtful if consumption of *chandu* has "been much diminished by the closing of licensed *chandu* houses. If this "is so, Government has lost a source of income without having assisted the "cause of morality: while from a police point of view the closing of *chandu* "shops has not been an unmixed advantage. They were the acknowledged "rendezvous of bad characters, and the police could keep an eye on them. "However, a reversion to the former system is not advocated. The dangers "of further legislation are obvious; but they can be exaggerated. The "smokers are, as a rule, men who belong to the lowest classes, socially as "well as morally: and it is much doubted if respectable native opinion would "be exercised by the knowledge that the liberty of the *chandu* smoking "community was in risk of being curtailed. Where a dozen *chandu* "smokers are gathered together, the probability is that half of them are "gamblers and criminals: and the high doctrine of liberty of the subject "should not be carried too far in the case of these gentry. As regards the "saloons, though legal proof may not be forthcoming, there is little doubt "that *chandu* is illicitly prepared and sold at them. As for the so-called "clubs, the Commissioner does not think the liberty of the subject would be "unduly curtailed if these were closed by direct legislation, a number "exceeding four persons (say) constituting the meeting illegal. There is "little or no hope of curing the confirmed smoker; the only chance of "eradicating the vice is by discouraging recruits. If the weight of the law "were thrown into the scales, it is probable that fewer young men would "become addicted to the vice. 'Clubs' and smoking saloons form a "temptation, and, until closed by Government, receive its tacit support. It "would be well for Government to range itself on the side of respectable "native opinion in dealing with the matter."

Colonel Grigg (Commissioner of Kumaun) remarks that these smoking dens are to be found in most Muhammadan towns and are the ruin of many young men, and he is most distinctly of opinion that legislation is not only possible, but advisable, against the use of rooms as smoking saloons, either by the public generally or by so-called "clubs."

Mr. Roberts (Commissioner of Benares) infers that the abolition of licensed shops has rather extended than abated the vice of opium smoking by the encouragement given to smoking saloons. He is of opinion that nothing short of registration of such saloons and of the smokers, and the absolute prohibition of smoking by persons not already addicted to the habit, would prove effective. He doubts, however, whether a repressive measure of this class could be passed.

Among District Officers Mr. Cobb (Benares) concurs in a very full and interesting report by Mr. F. H. Simpson, the Excise Officer, who states that there are probably more than 100 smoking dens in Benares city. The number is due to the fact that smokers are usually poor, and can neither afford the luxury of a servant nor the waste that occurs in the preparation of small quantities of opium for smoking. Even wealthier consumers prefer an opium den where consumption is easier and more comfortable, all the appliances being at hand. There are, it is said, five shops or "clubs" doing a large trade, one known to be frequented by not a few *Darbaris*. The extent of the demand may be inferred from the fact that as much as Rs. 7,000 per annum was offered for a *madak* and *chandu* license. The number of smokers in the city alone is computed to exceed 5,000. As to the repression of these dens, the report says:—"Smoking of these prepara- "tions of opium is universally looked upon as a disgraceful habit, and any "legislation, with a view to the reduction of the number of smokers, would "be supported by public opinion. The closing of the licensed smoking dens "has not in any way been contrary to the desire of the immense majority of "the population, and frequent conversations with native gentlemen show "that still further repressive measures would be welcomed. The present

"system

" system is illogical. We refuse the right to sell, and yet permit so-called " ' clubs.' The constitution of any ' club ' appears curious. It consists in " some individual collecting money from the ' members,' buying opium with " that money, preparing *chandu* or *madak*, and then permitting the members " to smoke their proportionate shares in his house. Such a club was never " contemplated by the Legislature. What was intended to be permitted was " that each member should prepare his own *chandu* or *madak*, take it with " him to the ' club,' and there smoke it. This latter system has not come " into vogue at all, mainly because of the large quantity of waste in " preparing very small quantities of opium for smoking. It is perfectly " evident that the legalization of the present system has simply provided an " easy means of defence in prosecutions for keeping an illicit shop. The " only apparent difference between legal smoking ' clubs ' and an illegal and " illicit shop is that, in the first case, the keeper of the house collects the " money before the opium is procured, whereas in the second he collects " it after the drug is prepared at the time of smoking. If the desire of " Government is seriously to prevent opium smoking by obstructing the " smoker as far as possible short of absolute prohibition, it has failed altogether " in effecting its purpose. Some restrictions must be placed on smoking in " common, whether in ' clubs,' shops, or private houses. There is not a single " legitimate ' club,' as intended by Government, at work in the city. The " provisions of the law permitting such clubs are only urged in defence in " prosecutions for illicit sale ; they are never observed before such a " prosecution is instituted. Any remedy for this state of affairs, short of " making possession of opium prepared for smoking a penal offence, is difficult " to propose. Smoking ' clubs ' should be made just as illegal as illicit shops. " It should be enacted, and clearly laid down, that it is a penal offence for any " person to manufacture preparations of opium for smoking for any one, " except his own immediate master in the case of a servant, or the members " of his own household in the case of any other person. Further, the present " maximum quantity allowed, viz., one tola, is far too large. It should be " reduced to $\frac{1}{4}$ tola at the most. This quantity would provide smokes for " half a dozen people. Such provisions of the law would render the adminis- " tration of the Opium Act very much more simple than it is at present. It " is further suggested that every opium smoker should be registered, and no " smoking permitted at all except in the houses of registered persons. This " registration might be effected through the police, the central register being " kept ' *thanawar* ' and copies of the lists of smokers in the jurisdiction of " each ' *thana* ' being kept at that ' *thana*.' Six months might be allowed " for registration, after which no new names would be registered. As the " registered persons die off, the custom of opium smoking would thus " naturally die out. In the case of registered persons changing their place " of residence, they should be allowed certificates of registration. It will no " doubt be objected that the above proposals give the police a large oppor- " tunity for blackmail. This objection is not so serious as it looks. The " opium smokers as a class are very poor, and it would not pay the police to " take much trouble or run any risk for the sake of an inconsiderable return. " At the same time it is suggested that, for the purpose of search for illicit " preparations of opium for smoking, no officer of a less standing than an " Inspector of Police or an Excise Superintendent should be allowed a " warrant."

Mr. Bird (Allahabad) remarks that smoking saloons exist to a considerable extent in Allahabad city, and he would legislate against the use of such rooms as smoking saloons, no matter by whom used.

" Saiyid Habib-ullah (Fatehpur) says that " the closing of licensed smoking " shops has led practically to bad results. Instead of one licensed shop in " the town, there are now a dozen and a half unlicensed premises where " *chandu* and *madak* are manufactured, and the only thing which the " manufacturer has to be careful of is to see that he does not keep more than " three tolas of licit opium in his possession, and that he is not caught in the " act of selling the preparation." He continues : " The present state of " affairs is anything but satisfactory, and either the old practice of granting " licenses for the manufacture and sale of *chandu* and *madak* should be " reverted to or some very strict measures to repress the habit of opium

" smoking adopted. It is absurd to lose the excise revenue and at the same " time indirectly encourage opium smoking by allowing the manufacture of " *chandu* and *madak* in unlicensed premises. An Act may be passed on " the same lines as the Gambling Act, which would prove a very effectual " measure."

Pandit Rama Shankar Misra (Basti), while observing that opium smoking is not a prevailing vice in his district, expresses, on the general question, opinions practically identical with those of Saiyid Habib-ullah.

Mr. Bower (Bahraich) would make penal the keeping of any room or club for the smoking of opium or the association of a number of persons together for such purpose. He sees no insuperable difficulty in the way of such legislation, which he thinks public opinion would support. He would, however, leave the initiative to a magistrate in the matter of searches.

Mr. Hope (Bara Banki) is of a similar opinion, especially as to the support the better class of public opinion would give to legislation.

Mr. Brereton (Bareilly) has no doubt as to the advisability of the proposed legislation, which he thinks might be modelled on the Gambling Act.

6. These are, I think, fairly representative opinions on both sides of the question. If the Board think it desirable, I can supply a copy of a complete abstract of the whole of the replies which I have caused to be made for my own use.

7. My own view on the question is briefly as follows. There is no question as to the extreme perniciousness of opium smoking as practised in India, both as a physical vice and on account of the degrading and immoral surroundings with which it is associated. The opium pipe is the companion of the criminal and vicious of both sexes. Further, there is no doubt that *madak* and *chandu* are very largely prepared from illicit opium, and that the dens and so-called 'clubs' are extensively used as a cover for the distribution of the illicit drug in other forms. There is a general consensus of opinion that the closing of the licensed dens has not decreased the prevalence of the habit of smoking; and many officers of experience consider that present arrangements facilitate its extension. Both on moral and fiscal grounds, then, the abolition of these smoking dens, by whatever name they are called, is desirable. The question is, how far it is practicable, in the present state of public opinion and with the imperfect and untrustworthy agency at our command to accomplish this end. The objections taken are serious, but they do not appear to me such as to render any action in the direction of repression impracticable. It is clearly shown that the vice is in practice confined to the towns. It does not prevail to the same extent in all towns, and is usually, though not exclusively, confined to the least reputable class of the population. The condition of things does not appear to me to call for any general measure of repression applicable to the whole country. But I think that there can be no objection to an Act being framed which shall only apply to municipalities and shall only be put in force by order of the Local Government in any town after the municipality has affirmed, by a majority of votes, the necessity for enforcing its provisions. In this way we should avoid advancing beyond the point at which we should lose the support of public opinion, and should be able to move gradually towards a complete control of the evil. The proposed Act might be modelled on the Gambling Act, the initiative being in all cases left in the hands of a first-class magistrate, without whose warrant no search should be made, and provision being made for the conduct of such searches by an Inspector of Police or by a revenue officer not of less rank than a naib tahsildar. The presumption arising in the Gambling Act from the finding of instruments of gaming affords a precedent for a similar presumption in the case of the materials and implements of opium smoking. The measure of punishment should be arranged so as to press more severely on the keeper of such houses than upon their frequenters, and a provision on the lines of Section 15 of the Gambling Act would be necessary to meet the case of habitual offenders.

No. 12.

G. Stokes, Esq., I.C.S., Acting Secretary to the Government of Madras, Revenue Department, to the Secretary to the Government of India, Finance and Commerce Department.—No. 564.

26th October 1896.

With reference to paragraph 5 of the Government of India Resolution in the Finance and Commerce Department. No. 5460, S. R., dated 19th November 1895, asking for an expression of opinion as to the possibility or advisability of legislation against the use of premises as opium smoking saloons either by the public generally or by so-called clubs, I am directed to forward copy of a report from the Board of Revenue, No. 4022, dated 25th September 1896.

2. The Board points out that the practice of smoking opium is of recent introduction and that there are no smoking saloons anywhere in the Presidency. The Board therefore considers that there is no need for legislation so far as this province is concerned. I am to state that the Government concurs in this view and agrees with the Board in thinking that there would be no objection to such legislation if it forms a portion of an enactment of general applicability.

Enclosure in No. 12.

Extract from the Proceedings of the Government of Madras, Revenue Department, No. 563, Rev., dated 26th October 1896.

Read the following—

Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 4022, dated 25th September 1896 :—

Read—

G. O. R. No. 1686, Revenue, dated 27th August 1896.

Resolution.—Mis. No. 4022, dated 25th September 1896.

In continuation of Board's Proceedings, No. 139, dated 4th April 1896, the Board begs leave to submit its report on the question of suppressing by legislation the use of rooms as opium smoking saloons.

2. The reports received from collectors show that the practice of smoking opium is of recent introduction into this Presidency, and that public rooms in which opium is smoked practically do not exist anywhere. The majority of the local officers are therefore of opinion that it is unnecessary to legislate for their suppression, but a small minority advocates such a step with a view to prevent their establishment in future. The Board concurs in the view that there is no present necessity for legislation so far as this Presidency is concerned, but considers that there is no objection to such legislation if it forms a portion of an enactment of general applicability.

Order thereon by the Government of Madras.

Ordered that the following letter be despatched to the Government of India.

(True Extract.)

(Sd.) G. Stokes,
Acting Secretary to the Government.

No. 13.

R. H. Craddock, Esq., I.C.S., Second Secretary to the Chief Commissioner, Central Provinces, to the Secretary to the Government of India, Finance and Commerce Department.—No. 4197.

28th October 1896.

I AM directed to acknowledge the receipt of the Government of India's Resolution in the Finance and Commerce Department, No. 5460 S. R., dated the 19th November 1895, in paragraph 5 of which Local Governments and Administrations are requested to consider carefully whether it is possible and advisable to place further restrictions in the way of the habit of opium smoking by taking legislative power to abolish or suppress clubs or saloons in which opium smokers congregate to indulge in this practice.

2. In reply I am to forward a collection of papers containing the opinions of the Commissioner of Excise and of the Commissioners of Divisions and more experienced District Officers whom the Chief Commissioner has consulted.

The answers received are summarised in Mr. Cleveland's letter, and it will be seen that a considerable diversity of opinion exists on the subject under discussion. The Commissioner of Nagpur, Mr. Fraser, and the Deputy Commissioner of Hoshangabad, Mr. Crump, are both in favour of legislation on the lines of the Gambling Act for the suppression of opium-smoking clubs. Messrs. Nedham and Phillips, Deputy Commissioners of Nagpur and Narsingpur, advocate every *madak* smoker being compelled by law or rule to take out a licence. Colonel Bowie, the late Commissioner of the Nerbudda Division, and with him several officers of experience, are opposed to any repressive measures being undertaken.

3. As is pointed out by the Commissioner of Excise in paragraph 4 of his letter, there have lately been several changes in these Provinces as to the regulation of *madak* smoking. Formerly the opium smoker both purchased and consumed his *madak* at the *madak* shop. Since 1891 smoking on the premises has been prohibited, but *madak* could only be obtained at opium shops licensed to manufacture and sell it. Finally, since the 31st March last, in accordance with the directions of the Government of India, neither the preparation nor consumption of *madak* is permitted on the premises of licensed opium shops, and the *madak* smoker is now obliged to purchase his opium, prepare his *madak* from it, and smoke it in private.

In this connection I am to invite the attention of the Government of India to paragraph 7 of the Chief Commissioner's Resolution in the Excise Administration of these Provinces for the year 1894–95, which shows that since 1891 the number of shops licensed to sell *madak* and the number of prosecutions for illicit manufacture alike declined. It may be hoped that with the total abolition of shops licensed to manufacture and sell *madak* introduced during the current year, the number of habitual consumers will still further decrease, and until there is proof that the change of rules has actually resulted in an increase of gregarious smoking in private houses, or so-called clubs or saloons, Mr. Lyall is not disposed to recommend legislation for the suppression of such places in the Central Provinces.

If such legislation is resorted to in the older Provinces, the Chief Commissioner would prefer to learn how it works in them, before introducing the system into these Provinces. Similarly, he would be glad to learn how the rules in force in Bengal (referred to in paragraph 1 of the Resolution of 19th November 1895), requiring licenses for manufacture of *madak* to be taken out by private persons wishing to smoke opium, have been found to work in practice, and he will instruct the Commissioner of Excise to enter into correspondence with the Bengal Excise Commissioner on the subject.

Personally, Mr. Lyall considers that much weight attaches to Colonel Bowie's opinion, that a system under which *madak* may lawfully be manufactured and consumed in private is likely to conduce more to the spread of the *madak* habit than that previously in force, under which the only lawful means of obtaining and smoking *madak* was in the publicity and unattractive surroundings of the old *madak-khana*.

At the same time there is no substantial proof of any material increase of opium smoking, and the Chief Commissioners accordingly prefers for the present to maintain an attitude of watchfulness and await the experience of other Provinces, postponing the introduction of any active measures until the necessity for them has been proved to exist.

Enclosure 1 in No. 13.

C. R. Cleveland, Esq., I.C.S., Commissioner of Excise, Central Provinces, to the Secretary to the Chief Commissioner, Central Provinces.—No. 2064.

17th August 1896.

I HAVE the honour to submit my reply to your No. 5240, dated the 11th December last, enclosing copy of Resolution No. 5460 S. R., of the Government of India in the Finance and Commerce Department, on the subject of the consumption and manufacture of *madak*.

2. In paragraph 2 of that Resolution it was ordered that the manufacture and sale of *madak* under licences in the Central Provinces should be put a stop to. As directed, I have arranged for the carrying out of those orders. All existing licenses for the manufacture and sale of *madak* terminated on the 31st March last, and none have been renewed. I enclose a copy of my Circular No. IV., dated the 24th December last, which contains the instructions issued by me to all Deputy Commissioners.

3. In paragraph 4 of your letter I was directed, with reference to paragraph 5 of the Government of India Resolution, to consult such officers as I thought proper and to forward their replies together with those of Commissioners of Divisions who had, it was stated, been asked to address the Secretariat through my office.

The replies of the officers selected by me for consultation, together with those of the Commissioners of Divisions, are herewith forwarded.

The following is a list of them :—

Letter No. 10,482, dated the 23rd December 1895, from Mr. Fraser, Commissioner, Nagpur Division.
Letter No. 893, dated the 8th February 1896, from Mr. Laurie, Commissioner, Chattisgarh Division.
Letter No. 2369, dated the 3rd April 1896, from Mr. Anderson, Commissioner, Jubbulpore Division.
Letter No. 1978, dated the 12th March 1896, from Colonel Bowie, Commissioner, Nerbudda Division.
Letter No. 965–88, dated the 12th February 1896, from Mr. Nedham, Deputy Commissioner, Nagpur.
Letter No. 813, dated the 4th February 1896, from Mr. Mayes, Deputy Commissioner, Wardha.
Letter No. 457, dated the 10th February 1896, from Mr. Chitnavis, Deputy Commissioner, Balaghat.
Letter No. 174, dated the 9th January 1896, from Mr. Duff, Deputy Commissioner, Jubbulpore.
Letter No. 214, dated the 3rd February 1896, from Mr. Alay Mahomed, Deputy Commissioner, Mandla.
Letter No. 735–258, dated the 29th January 1896, from Mr. Crump, Deputy Commissioner, Hoshangabad.
Letter No. 117, dated the 14th January 1896, from Mr. Robertson, Deputy Commissioner, Nimar.
Letter No. 656, dated the 29th January 1896, from Mr. H. M. Laurie, Deputy Commissioner, Raipur.
Letter No. 268, dated the 17th January 1896, from Mr. Chapman, Deputy Commissioner, Sambalpur.
Letter No. 949, dated the 2nd March 1896, from Mr. Phillips, Deputy Commissioner, Narsinghpur.

4. It will be noticed that all these replies were submitted before any practical experience of the effect of the new *madak* procedure, which came into force on the 1st April last, could have been gained. At the excise sales held during January, February, and March last, the fact that after the 31st March no *madak* would be manufactured or sold by Government licensees, was duly advertised, and bidders for opium licenses very generally expressed their fears that the new procedure would discourage *madak* smoking and the amount of opium consumed. In most districts these fears are said to have been given practical shape by low bidding at the auctions.

I am unable to give statistics of the amount of opium converted into *madak* by the licensees in past years. In 1894 all Deputy Commissioners made an estimate of the number of *madak*-smokers who obtained their supplies of *madak* from the licensed vendors. These estimates showed 9,555 smokers distributed among 108 shops. Making allowances for the unavoidable roughness of such estimates we may, I think, assume that there are between nine and ten thousand persons in the Central Provinces who have acquired the habit of *madak* smoking. Up to 1891 *madak* smokers were allowed to smoke in the Government shops at which they bought their *madak*. From 1891 to 1896 they were bound to purchase their *madak* as before at the Government shops, but were not allowed to smoke it there. Since 31st March last they must make and smoke their own *madak* away from the Government shops. The question is whether it is necessary to invent some special law in order to limit the liberty of *madak* smokers in respect to *madak* smoking. People may eat opium, smoke *ganja* or drink spirits without any such special restrictions. Are we to treat *madak* smokers on a different footing to all of these?

5. As a result of the Opium Commission we now have an authoritative official standpoint from which to look on *madak* smoking. In India the official opinion now may be said to be that *madak* smoking is a disreputable vice, the indulgence of which should be made difficult by Government; it is more common among the lower orders than among the educated and well-to-do, and is a seductive habit leading to waste of time and money.

Judging from the replies on the present question there is not one of the officers consulted who disagrees in any important particular with the above opinion of *madak* smoking. As to the steps to be taken by Government to discourage the habit or to prevent the incidental evil consequences of its indulgence there is diversity of opinion. Legislative interference for the control or suppression of smoking saloons, clubs, or assemblies is favoured by Messrs. Fraser, Anderson, Alay Mahomed, Crump, Robertson, and H. M. Laurie. It is considered as unnecessary or too open to counterbalancing objectionable results by Colonel Bowie and Messrs. L. K. Laurie, Chitnavis, Duff, and Chapman.

Messrs. Nedham and Phillips advocate a system of licenses for all *madak* smokers, while Mr. Mayes is in favour of a law which would apparently only interfere with *madak* in prostitutes' houses.

6. The differences in opinion are due, I think, to the paucity of facts bearing on the subject. The first question that occurs when special restrictive legislation is proposed, is, are the evils to be prevented perfectly clear and manifest? It is here proposed to legislate against *madak* smoking saloons or clubs. The first point to consider is, what are the facts as to smoking saloons or clubs? And on this point I am afraid we have hardly any facts. Mr. Crump, Deputy Commissioner of Hoshangabad, in his reply says there are "19 houses in his district where people assemble to smoke opium." He states that there is a *probability* that the owners of such houses actually maintained what may be called a common smoking house, and that they derive some profit from it. And these remarks from Mr. Crump are practically the most definite and precise descriptions we have in these papers of actual smoking "clubs" or "saloons" in the Central Provinces. At first sight it may be considered unsatisfactory that our information on this point is so vague. A number of our most able and experienced officers, when called on for a special report as to the necessity for special legislation against smoking clubs or saloons have only been able to give the vaguest information as to the actual existence of such clubs or saloons. Personally, however, I

am

am not surprised at the vagueness. Very shortly after receiving the last of the replies from the local officers, I went to Pachmarhi (on the 15th April); while there I carefully studied the whole file, and was much struck by the absence of details as to actual existing clubs or saloons. I decided to make special inquiries in Nagpur on my return, and have been doing so during the the last two months. I have consulted the police and freely used the Excise Inspector to make inquiries. Still I have been unable to hear of any room or house specially kept or used for smoking *madak* in company. Madak smoking is, I believe, one of the regular concomitants of visits to prostitutes' houses, but I can hear of no house specially kept or used for the chief purpose of *madak* smoking. Again, *madak* smokers like to meet and smoke together in private houses where they enjoy facilities in regard to the supply of *madak;* but I have been unable to find any house kept as a *public* smoking club or saloon. I may note incidentally that my inquiries lead me to think that the recent change in the rules as to obtaining *madak* by private manufacture, instead of by public purchase, have not at all tended to decrease or discourage *madak* smoking. The consumption of opium in the Nagpur city and district shows no signs of decrease. In spite of my special inquiries through specially qualified agents, I am still practically as vague as the other officers as far as information as to existing smoking clubs or saloons are concerned. Nevertheless, I should not be surprised at any time to hear that such clubs existed or that they were the source of much harm. How often are people in London surprised by the discovery that an innocent looking building which they live close to and pass every day has long been the scene of all kinds of vicious and illegal doings! and the policemen in whose beat the street lies are very often as surprised as the neighbours! My own conclusions are that, although no very precise information is forthcoming as to existing *madak* smoking clubs or saloons, still it is desirable to take steps to acquire legal power to deal with such places should the necessity arise later on. I would treat *madak* smoking in this respect on a different footing as compared with opium eating, *ganja* smoking, or spirit drinking. I would consider it as a gregarious vice more similar to gambling, and would suggest the framing of an Act on the lines of Act III. of 1867 (this suggestion has also been made by Mr. Crump). If this were done, I do not think there would be any well-founded complaints of the door having been opened to excessive interference with private life or to tyrannous domiciliary visits by the police, &c.

I do not propose to enter into further details as to the sections or wording of the proposed Act. The main point to be decided is whether *any* legislative interference is called for. Until that is settled it will be waste of time to go into further details. Moreover, I feel that in this matter it will be wise for the Central Provinces Administration to follow the lead and example of the larger Provinces, in which our recently introduced *madak* procedure has long been in vogue and where the evils it has produced, especially in the matter of smoking clubs and saloons, have had more time to develop and are consequently better known and understood.

Enclosure 2 in No. 13.

Excise Circular No. IV.

C. R. Cleveland, Esq., I.C.S., Commissioner of Excise, Central Provinces, to all Deputy Commissioners, Central Provinces.

24th December 1895.

I HAVE the honour to inform you that, in consequence of the recommendations made by the recent Royal Commission on Opium, it has been ordered by the Government of India that no new licenses for the manufacture or sale of *madak* are to be issued in the Central Provinces, but that private persons are to be at liberty to manufacture *madak* for themselves up to one tola weight. These orders should be given effect to by you at the approaching

excise sales by the withdrawal of all *madak* shops from auction. Existing licenses, which I presume run in all cases up to the 31st March next, need not be interfered with.

Also kindly take such steps as you think proper to make it known, that although *madak* will no longer be obtainable at shops, private persons who manufacture it for their own consumption up to one tola, from opium purchased at the licensed retail vendors, will not be interfered with.

I would point out that the procedure now prescribed for the Central Provinces is that which has for some time been in force in the Bombay Presidency, Punjab, and North-Western Provinces. This system does not involve any change in the Opium Act (Act I. of 1878), but only in the rules issued by the Chief Commissioner under that Act.

Enclosure 3 in No. 13.

A. H. L. Fraser, Esq., I.C.S., Commissioner, Nagpur Division, to the Chief Secretary to the Chief Commissioner, Central Provinces. (Through the Commissioner of Excise, Central Provinces.)—No. 10,482.

23rd December 1895.

I HAVE the honour to acknowledge receipt of Secretariat endorsement No. 5241, dated the 11th instant, forwarding, for opinion, Resolution No. 5460 S. R., dated the 19th ultimo, of the Government of India in the Finance and Commerce Department. The question raised is the possibility or advisability of legislation against the use of premises for opium smoking either by the public generally or by so-called clubs.

2. In Secretariat letter No. 5106–500, dated the 14th August 1890, a great step was taken in forbidding the consumption of drugs "on the premises." The object was to discourage "gregariousness in habits of vice." The one objection to this step was the fear that it would not improbably tend to the establishment of clubs for *madak* smoking, which, while quite as injurious as the old *madak* shop, would be free from supervision and control. I have no direct experience of recent date in excise matters; but I am told that this fear has been found to have been not without reason. If this be so, I think that these clubs should be suppressed.

3. In any case, I think that the suppression of the *madak* shops as smoking taverns is an imperfect measure without some prohibition of clubs and similar institutions for gregariousness in this vicious habit. It seems to me that something analogous to the legislation for the suppression of gambling might be reasonably and advantageously adopted in respect to opium smoking.

4. I do not think that the private smoking of opium can or should be prohibited. Enough is done when it is both heavily taxed and also rendered irksome as it is in this Province. But I do think that public opium smoking or assemblies for opium smoking should be put down. "Consumption on the premises" is already prohibited in this Province. This prohibition should be supplemented by prohibition of smoking clubs or assemblies. The burden of proving that the company found smoking is merely a private party casually met would lie on the company; the presumption would be against the legality of the assembly, on the analogy of gambling houses.

Enclosure 4 in No. 13.

L. K. Laurie, Esq., I.C.S., Commissioner, Chhattisgarh Division, to the Second Secretary to the Chief Commissioner, Central Provinces. (Through the Commissioner of Excise, Central Provinces.)—No. 893.

8th February 1896.

WITH reference to your endorsement No. 5244, dated the 11th December last, forwarding for opinion copy of a Resolution No. 5460 S. R., dated the 19th

19th November 1895, of the Government of India in the Finance and Commerce Department, I have the honour to say that so far as this Division is concerned no legislation for the suppression of opium smoking saloons or clubs seem to be called for. If *madak* smokers wish to smoke in company they gather together on the *bund* of a tank. "Saloons" or "clubs" are luxuries with which the people of Chhattisgarh are unacquainted.

Enclosure 5 in No. 13.

F. C. Anderson, Esq., I.C.S., Commissioner, Jubbulpore Division, to the Second Secretary to the Chief Commissioner, Central Provinces. (Through the Commissioner of Excise, Central Provinces.)—No. 2369.

3rd April 1896.

I HAVE the honour to acknowledge receipt of your endorsement No. 5242, dated the 11th December last, asking my opinion on the question whether the use of any premises as opium smoking saloons, either by the public generally or by so-called clubs, should be prohibited by legislation.

2. I consulted the Deputy Commissioners of Jubbulpore and Seoni, and threw out certain suggestions for their consideration in my endorsement No. 10,068, dated the 17th December 1895, a copy of which is appended together with a copy of the replies of those two officers.

* From Deputy Commissioner, Jubbulpur, No. 174, dated 9th January last.
From Deputy Commissioner, Seoni, No. 582, dated the 4th March 1896.

3. Now that the private manufacture of *madak* is legalized, it seems to me probable that there will be a greater tendency for *madak* smokers to congregate together, employing a common servant to make the *madak* for them. Smoking saloons or clubs would in this way be formed and persons might be attracted to them for the sake of company, to whom a smoke in solitude at home would not be a sufficient attraction. I think that such saloons or clubs would be an evil as encouraging a degrading vice (for I regard *madak* smoking as such), and that we should endeavour to prevent this evil from springing up. The most effectual way of doing this, I think, would be to limit smoking in association to the members of the same family ordinarily resident in the same house. This would exclude guests and friends, but if they are not excluded, or if at least their number is not strictly limited, the tendency would be to form clubs of *madak* smokers under the guise of guests or friends of the person in whose house they assemble. If the suggestion just made is thought to go too far, I would suggest that the keeping of a public saloon should be prohibited by law, and also the assembling together of more than seven persons for *madak* smoking whether in a private house or elsewhere.

Copy of an Endorsement No. 10,066, dated Jubbulpore, the 17th December 1895, and No. 346, dated the 17th January 1896, from F. C. Anderson, Esq., I.C.S., Commissioner, Jubbulpore Division, on Secretariat endorsement No. 5242, dated the 11th December 1895, to the Deputy Commissioners, Jubbulpur and Seoni.

Forwarded in original (return requested) to the Deputy Commissioner, Jubbulpur / Seoni for favour of his opinion.

HITHERTO in the Central Provinces consumers have been able to buy *madak* at licensed shops and smoke it elsewhere than at the shops; private manufacture was illegal. Now no shops are to be licensed and private manufacture is legalized. The question is whether the use of any premises as smoking saloons either by the public generally or by so-called clubs should be prohibited by legislation.

I should like to know whether, under the rules hitherto in force, smoking saloons of any kind have been established in the city of $\frac{\text{Jubbulpore}}{\text{Seoni}}$. Smoking on the shop premises being prohibited under those rules, have consumers congregated together in order to smoke in association the madak purchased by them at licensed shops, or do they generally smoke by themselves at home. Such saloons, if established, are I think objectionable, and should, if possible, be suppressed. Is the Deputy Commissioner of the same opinion? If he is, does he consider suppression possible, and by what legislation would he propose to suppress it?

Even if such saloons have not been established, would he propose any or what legislation in order to prevent their future establishment?

I believe that the manufacture of *madak* requires a certain amount of skill and experience. Do *madak*-smokers ordinarily prepare *madak* themselves, or could they easily learn to do so? If not, they must depend on servants to prepare it for them, and it might be possible to prohibit the employment of a servant to prepare *madak* except for members of the family employing him.

I should be disposed, if possible, to limit smoking in association to the members of the same family ordinarily resident in the same house, with a legal presumption that, if more than a certain number of persons are found smoking together, they do not all belong to the same family. The burden of proving that they do would then rest on them.

These suggestions have occurred to me on a first perusal of the papers. I should be glad of the opinion and suggestions of the Deputy Commissioners.

Enclosure 6 in No. 13.

A. C. Duff, Esq., I.C.S., Deputy Commissioner, Jubbulpore, to the Commissioner, Jubbulpore Division.—No. 174.

9th January 1896.

With reference to your endorsement No. 10,068 of the 17th December 1895, forwarding Secretariat endorsement No. 5242, dated the 11th idem, and asking my opinion thereon, I have the honour to say that in my opinion legislation to stop *madak* saloons is not required. There are no smoking saloons established in the city of Jubbulpore, but consumers sometimes congregate together to smoke in association the *madak* purchased by them at licensed shops. These congregations will discontinue when every consumer is permitted to manufacture *madak* for himself. Manufacture of *madak* does not require any skill. *Madak* smokers can prepare it for themselves. Well-to-do persons of course may require some one to prepare *madak* for them.

Enclosure 7 in No. 13.

J. Walker, Esq., I.C.S., Deputy Commissioner, Seoni, to the Commissioner, Jubbulpore Division.—No. 582.

14th March 1896.

With reference to your endorsement No. 346, dated the 17th January 1896, forwarding in original Government of India's printed letter No. 5460 (S. R. Opium) for opinion, I have the honour to state that it is the practice for *madak*-smokers of the lower classes to congregate together at private houses in order to smoke together. Apparently the only objection to this is that it tends to bring bad characters together, some of the *madak*-smokers being men of questionable character. A considerable number of respectable persons, however, smoke *madak* and their friends sometimes join them. Provided the smoking is done in private houses, I am doubtful if it is expedient

expedient to render it penal for persons not relations to smoke together. I think, however, that a general rule might be framed that no more than 10 persons should smoke *madak* together, in order to prevent large assemblages for *madak* smoking in private houses which might become disorderly.

Public saloons for the purpose of smoking should be absolutely prohibited. This may be done by an additional section to the Opium Act, and a rule framed under it. *Madak* manufacturing does not require any skill. The process is simple and any one can easily learn it. *Madak* smokers ordinarily prepare *madak* themselves, but *madak* smokers of means employ a servant for the purpose, which need not, I think, be interfered with if he serves only his master or his master's guests (if any).

Enclosure 8 in No. 13.

Colonel M. M. Bowie, Commissioner, Nerbudda Division, to the Second Secretary to the Chief Commissioner, Central Provinces.—No. 1978. (Through the Commissioner of Excise, Central Provinces.)

12th March 1896.

I HAVE the honour to acknowledge the receipt of Secretariat endorsement No. 5241, dated the 11th December 1895, forwarding for opinion a copy of the Government of India's Resolution No. 5460, dated the 19th November 1895, on the subject of the consumption of *madak*, and with reference thereto would first summarise briefly the opinions given by the Deputy Commissioners in this Division whom I have thought it advisable to consult on the subject.

2. All Deputy Commissioners are agreed that it would be advisable to legislate for the suppression of opium-smoking saloons, but while the Deputy Commissioners of Narsinghpur and Betul are in favour of directing legislation against the smoking of opium by private persons in *boná fide* private residences, the Deputy Commissioner of Chhindwara does not consider it advisable to adopt this course as it would give rise to oppression and discontent. If legislation is directed against private clubs, he is of opinion that police visits to such clubs should only be permitted under warrant of the District Magistrate.

3. The Deputy Commissioner, Narsinghpur, does not think that any alteration in the Opium Act is necessary, as the necessary provision could be made by rules framed under the Act. The Deputy Commissioner, Hoshangabad, however, suggests that an Act be framed on the principles of the Gambling Act, III. of 1867, and would adopt *mutatis mutandis* the wording of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of that Act. The Deputy Commissioner of Narsinghpur further suggests that a system of licenses should be introduced under which every person wishing to smoke *madak* would have to take out a license, and, as he has in his letter gone into the subject more fully than any of the other Deputy Commissioners, and his letter seems to me to show how apt interference in a matter of this kind is, not only to fail in its object, but to intensify the evils against which it has been directed, and also the lengths we would have to go to render any legislation effective, I would herewith append a copy of it.

4. From all that I have been able to learn from inquiries made among the people, I am inclined to concur with the Deputy Commissioner in thinking that the effect of prohibiting *madak* smoking on the premises of licensed vendors has been to lead to an increase in the practice of *madak* smoking, and I think it is quite possible that, as Mr. Phillips believes, it has led to an increase in smuggling also. As a common resort of bad characters, the *madak* shops were always well watched by the police, and persons of any pretence at respectability did not care to frequent them, and the owners of the shops were afraid to keep foreign opium on the premises. The closing of these shops has, however, led to the establishment of saloons and clubs, where the habit can be indulged in in comparative secrecy. It stands to

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reason then that these saloons or clubs will be more resorted to by persons of a better class in life than those who used to frequent the opium shops, and that as they are under no supervision whatever, the facilities for using smuggled opium in them must be greater.

5. It appears to me, however, to be very doubtful whether restrictive legislation in regard to smoking saloons and clubs might not lead to a further increase in the number of opium smokers, especially among the young. We know that young lads at school and college in England will often take to a practice simply because it is forbidden; witness the spread of tobacco smoking in our schools and colleges; and I believe that the youth of India are very much the same as the youth of England in this respect. The old *madak* shops were generally speaking comfortless, grimy dens, where the majority of the company consisted of men of a very low type of physique and morality, and I can conceive of nothing better calculated to create disgust at the habit of opium smoking in the mind of a young man of respectable position and good family than a visit to one of these dens. But we have done away with them, and their places have been taken by saloons and clubs in which there is at least nothing repulsive, and what I fear is that they may be made even attractive to young men, if by restrictive legislation we make it necessary for them to visit them in secret.

6. It is also very difficult to devise any form of restriction which would prove effective without being oppressive. If the saloons are suppressed, the number of clubs will increase, and to suppress the clubs it would be necessary to make opium smoking a crime, as has been practically proposed by the Deputy Commissioner of Hoshangabad, or to adopt severe inquisitorial measures, such as have been suggested by the Deputy Commissioner of Narsinghpur, and the Government of India has expressed its disapproval of either of these courses. My opinion then is that nothing should be done. I do not think that it has been sufficiently clearly proved that opium smoking is so harmful as to warrant our interfering with the liberty of the subject in any way to prevent it.

Enclosure 9 in No. 13.

F. A. T. Phillips, Esq., I.C.S., Deputy Commissioner, Narsinghpur, to the Commissioner, Nerbudda Division.—No. 949.

22nd March 1896.

With reference to your endorsement No 10,018 of the 21st December last, on certain papers forwarded by the Second Secretary to the Chief Commissioner, under endorsement No. 5243 of the 11th idem, relating to the question whether it is possible or advisable to legislate against the use of premises for opium smoking, either by the public generally or by so-called clubs, I have the honour to submit the following report.

2. According to the generally received tradition, it was in the Narsinghpur district that *madak* smoking was first indulged in the Central Provinces. Nor is there any reason for doubting the truth of this tradition, for it was recorded nearly 15 years ago in an official memorandum by one of my predecessors who had also for a time held the office of Commissioner of Excise. The name of the person who introduced the habit was actually mentioned. He was a native of the North-Western Provinces, and a Tahsildar in these Provinces. It is probably on account of his high position that the practice of *madak* smoking has been more widely followed, and has included among its followers more men of some social standing in this district than in any other in these Provinces. The rough census of *madak* smokers, which was taken two years ago, showed the number in the Narsinghpur district to be 1,830. In only two other districts did the number exceed a thousand. In Bilaspur it was 1,400 and in Mandla 1,140. In each of the following nine districts, Balaghat, Bhandara, Betul, Chanda, Chhindwara, Damoh, Nimar, Seoni, and Wardha, the number was less than 500. It

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is clear then that very considerably more persons smoke *madak* in the Narsinghpur district than in any other. It is also notorious that among the smokers are to be found not a few men of recognised status, such as malguzars of influence and the like. All measures, therefore, tending to discourage *madak* smoking assume special importance in the Narsinghpur district.

3. I think that there can be no doubt that the policy inaugurated about five years ago of prohibiting *madak* smoking on the premises of licensed vendors of *madak* had the effect in this district of leading to an increase of *madak* smoking. Up to that time all *madak* smokers, speaking generally, smoked in the public gaze at the various *madak-khanas*, as the licensed vendors' shops were called. It is true that those of them who were men of good social position could not in face of the general disapprobation with which *madak* smoking is undoubtedly regarded, publicly avow themselves to be smokers by resorting to the *madak-khanas* and mixing there with the common herd, and therefore they smoked secretly in their own houses, purchasing the required *madak* through private servants. But these were comparatively few. The general idea seems to have been that if a man wished to smoke *madak* he must go to the *madak-khana* for the purpose. When, however, smoking at the *madak-khana* was entirely prohibited, and all smoking had therefore to be carried on in private houses, this idea was of course necessarily dispelled and one terror was removed from the practice. It no longer involved publicity with the almost certain consequence of social ostracism. On the contrary, it must perforce be indulged in secret now, and the risk of being discovered by those who might disapprove was minimized. The result was that the number of smokers increased considerably, coteries and clubs were gradually formed for the purpose, and thus the habit spread still further. Such associations sprang up, it is believed, in Kandeli, and Kareli and Kerpani, and Bagaspur, as well as in other places. Another evil that followed in their wake was an increase in opium smuggling. It is impossible to tell of what particular kind of opium *madak* has been made. So when the smokers met together they would manufacture their own *madak*, and would manufacture it out of opium smuggled from across the border. A small quantity of licit *madak* would be purchased from the nearest licensed vendor, enough to swear by if they should be surprised by the police, and then a large quantity would be made out of Bhopal opium for the use of the whole company. Special precautions would be taken against the possibility of detection during manufacture. When the madak was ready the implements and materials of manufacture would be carefully concealed, and the smoking would commence. Even if the police came, would not the licensed vendors' books show that the *madak* had been bought from his shop. It must be mentioned, however, that in some places the aforesaid policy has resulted in the extinction of *madak* smoking, such are Amgaon, Barha, and Shrinagar. But, on the whole, it has, as I have said, led to an increase.

4. It will be readily gathered from what has been said above that a great step would be made towards the discouragement of *madak* smoking, if assemblies of persons for the purpose could be forbidden. I am myself of opinion that they might and should be forbidden. No alteration in the Opium Act is necessary. The necessary provision could be made by rules framed under the Act. I would forbid any *madak* smoker to invite a friend to his house, or go to another person's house for the purpose of smoking *madak*. The prohibition would not extend to relations or to *bonâ fide* guests staying in the house. But even in the case of these I would limit the number of persons assembling to smoke to four. A larger number might be allowed to gather together and smoke *madak* on any particular occasion by obtaining special permission beforehand. For instance, if five or more *madak* smokers happened to be staying at the same house, having come there for some ceremonial such as a marriage, I would allow them to smoke together, provided that they had armed themselves with a special license beforehand. Hand in hand with the prohibition of assemblies of persons for the smoking of *madak*, I would introduce a system of licenses. Every person wishing to smoke *madak* would have to take out a license. I believe that this system would

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tend to the discouragement of *madak* smoking in a very marked degree. The license should be given free of cost. But every *madak* smoker must have a license. Such a system would undoubtedly place the better class of smokers in an awkward predicament. A man of this kind would hesitate for a long time before he incurred the social stigma which would attach to the avowal involved in his taking out a license. But if he smoked without taking out a license, he would run the risk of being placed in the dock in a Criminal Court, which would be worse. In the end his course would be shaped by the extent to which the habit of *madak* smoking had become ingrained in him. If his slavery to the habit should be such that he must take out a license, no sympathy need be wasted on him. He would merely be making a public declaration of the attitude secretly maintained by him before.

Video meliora proboque; deteriora sequor.

5. To sum up, I believe it to be both possible and advisable to make rules, having the force of law, forbidding the use of premises for opium smoking either by the public generally or by so-called clubs. But at the same time I would make it penal for any person to smoke opium without first obtaining a license, and I would issue such licenses free of cost.

Enclosure 10 in No. 13.

W. A. Nedham, Esq., Deputy Commissioner, Nagpur, to the Commissioner of Excise, Central Provinces.—No. 965–88.

12th February 1896.

I REGRET the delay in replying to your No. 50 of the 6th ultimo, but I made it over, with its accompaniment, to the Excise Inspector, who kept it till yesterday evening and then suddenly produced it at the last moment, just as I am taking over charge of the Commissioner's office. There was absolutely no reason for such delay, and now I have to write my reply rather hurriedly.

2. I agree in the recommendation of the Commission that measures of restrictive legislation are hardly necessary. I think it will suffice if we take other measures to make it difficult for smokers of *chandu* and *madak* to indulge in the habit, in the manner suggested by the Commission. But I would make it incumbent on each person who wishes to manufacture *madak* for his private use, to take out a license from the Deputy Commissioner, and it should be a condition of the license that *madak* shall not be smoked in company. If this condition be strictly enforced, it ought to enable us to prevent the formation of any private clubs for the purpose. Public saloons and smoking dens have been already suppressed, or rather will be, from the 1st April. The fact of requiring the individual smoker to take out a license would enable us to ascertain who such people are, and to maintain some check on their doings.

Enclosure 11 in No. 13.

H. F. Mayes, Esq., I.C.S., Deputy Commissioner, Wardha, to the Commissioner of Excise, Central Provinces.—No. 813.

4th February 1896.

WITH reference to your letter No. 50, dated the 6th January 1896, asking for my opinion with regard to *madak* smoking in connection with the suggestions of the Royal Commission and the Resolution of the Government of India, I have the honour to state as follows:—

Two broad facts have to be recognised at the outset in all investigations regarding *madak*, viz., (1) that *madak* has no beneficial properties whatever, and

and (2) that it was evidently originated by the rich people of ample leisure and ample means.

Once these two points are determined and accepted as indubitable, the attitude of Government towards *madak* and the processes to be adopted for the prevention of its smoking become matter of easy solution.

That *madak* has no beneficial properties whatever is self-evident from the clear facts that they have never been so much as asserted, and that *madak* is, in the popular estimation, a disreputable thing without mitigation.

Madak has absolutely no salutary effect as a constitutional remedy, and no one has yet prescribed it as a specific for any ailment.

Madak smoking is not only disreputable, but it is most injurious to the health and makes the consumer an utterly wretched object.

What, then, is the origin of *madak* smoking? *Madak* is distinctly a lascivious luxury of the rich used by them as an aphrodisiac. It would therefore at once suggest itself that absolute and immediate abolition is the only course which Government can adopt in regard to *madak* preparation and *madak* smoking, and total prevention is quite possible. The administration has always and specially during the last five years drawn a marked distinction between the smoking and eating of opium.

In the year 1889–90 it was suggested by Mr. Priest, then Excise Commissioner, that all *madak* shops should be closed in the Province and to prohibit altogether the manufacture of that preparation of opium. But as the opinions were divided as to the expediency or practicability of such a step, the Local Government then decided that for the present it would suffice to prohiblt the consumption of *madak* on the premises of the licensed vendors. It was at the same time laid down that the number of shops for the sale of *madak* was to be restricted and no new *madak* shops should be licensed. This policy has already led to a marked decrease in consumption of *madak*. I quite concur with Mr. Priest's proposals for closing all *madak* shops in the Province, but I would not yet prohibit altogether the manufacture of *madak*.

If resorted to at all it can only be as an aphrodisiac and not for any other purposes. But in order to act as an aphrodisiac the system has to be previously completely saturated with the effects of *madak* by sufficiently long use, and such saturation is at once proclaimed by the settled and peculiar change which comes over the face.

I understand that it has become the custom with the lowest class of prostitutes to entice men into their dens by the inducement of *madak* smoking, and I am distinctly in favour of a law which should make this impossible.

Domiciliary visits would only be made in places where such visits are already made for other purposes, the most general of which is a search for stolen property. Private *madak* smoking I would leave to die out of itself.

Enclosure 12 in No. 13.

Shankar Madho Chitnavis, Esq., S.C.S., Officiating Deputy Commissioner, Balaghat, to the Commissioner of Excise, Central Provinces.—No. 457.

10th February 1896.

With reference to your No. 50, dated the 6th ultimo, I have the honour to state as follows:—

2. The suppression by legislation of public opium smoking places will not, I think, be objected to by anybody; but the prohibition of opium smoking in private houses by more than one person in company is open to serious objections. In the first place no legislation to this effect would be effective without Government officials being authorized to pay domiciliary visits at all times. Such visits would be liable to abuse, and respectable persons would be unnecessarily harassed and put to indignity. Interference on behalf of Government with their private liberties would be seriously resented by them, and public opinion would not approve of such a measure. It would be difficult to distinguish between clubs formed for the purpose of

opium smoking, and an assembly of a few friends gathered for purposes of recreation or otherwise, opium smoking not being the sole object of the meeting. The *onus* of proving that they did not form a club would lie on them, and it would be difficult for them to prove this. It would be difficult to define a club for the purposes of legislation, and to prescribe the limits within which, and the condition on which, opium smoking in private houses would be permissible. Restrictive legislation in this matter does not therefore appear to me feasible.

Enclosure 13 in No. 13.

Syed Alay Mohammad, Esq., S.C.S., Deputy Commissioner, Mandla, to the Commissioner of Excise, Central Provinces.—No. 214.

3rd February 1896.

YOUR No. 50 of the 6th January 1896. I am quite in favour of legislation for the prohibition of smoking saloons in private clubs for smoking *madak*. The prohibition against the use of vendors' premises for the purpose of smoking the drug was in force in these Provinces since 1890. But the general opinion, so far as I could gather it (as reported by me in my excise report), was that, instead of discouraging, it fostered the consumption of *madak* and resulted in the coming into existence of private clubs, the idea being that the smokers enjoy it more in company than each by himself, and when together take more than the usual dose.

2. The proposed prohibition against such assemblies will isolate the smoker, and will no doubt result in great decrease of consumption, the object aimed at.

3. I think I am right in thinking that opinions are asked only on this point, and not on the question of abolishing *madak* shops and permitting each individual to manufacture *madak* up to one tola, touched upon in the latter part of the extract of paragraph 195 of the Report of the Royal Commission. More especially so as I have already received final orders on the point. This is why I confine myself to the question of saloons and clubs only.

Enclosure 14 in No. 13.

H. A. Crump, Esq., I.C.S., Deputy Commissioner, Hoshangabad, to the Commissioner, Nerbudda Division.—No. 735–258.

29th February 1896.

I HAVE the honour to acknowledge receipt of the papers forwarded under your endorsement No. 10,018, dated the 21st December 1895, regarding the smoking of opium and *madak*.

2. As far as I can ascertain, there are only in this district 19 houses where people assemble to smoke opium, and of these as many as 10 are in Hoshangabad itself. There are probably more, but I do not believe that there are many. So long as the persons frequenting them only collect together as friends, I doubt whether it would be possible to suppress them, without adopting highly inquisitorial proceedings, but the probability is that the owners of these houses really maintain what may be called a common smoking house and that they derive some profit from it.

I would therefore suggest that an Act be framed on the principles of the Gambling Act, III. of 1867, and would adopt *mutatis mutandis* the wording of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 the wording of that Act.

I believe that it will thus be possible to suppress such houses without incurring the risk of the institution of false cases.

Enclosure 15 in No. 13.

Endorsed by Mr. H. A. Crump, Deputy Commissioner, Hoshangabad.—No. 736-258.

29th January 1896.

Copy forwarded to the Commissioner of Excise, Central Provinces, with reference to his letter No. 50, of the 6th January 1896.

Enclosure 16 in No. 13.

Endorsed by Mr. B. Robertson, Deputy Commissioner, Nimar.—No. 207.

21st January 1896.

Copy of the following is forwarded to the Commissioner of Excise, Central Provinces, with reference to his letter No. 50, dated the 6th January 1896.

Enclosure 17 to No. 13.

B. Robertson, Esq., I.C.S., Deputy Commissioner, Nimar, to the Commissioner, Nerbudda Division.—No. 117.

14th January 1896.

With reference to your endorsement, No. 10,018, dated the 21st December 1895, below Government of India Resolution, No. 5460-S. R., dated the 19th November 1895, I have the honour to state that in my opinion it would be advisable to legislate for the suppression of opium-smoking saloons. As pointed out by the Commissioner, there are no doubt difficulties in the way, but, admitting that the evil of opium-smoking is intensified when practised gregariously, it would seem proper that the system should be put a stop to.

Enclosure 18 in No. 13.

H. M. Laurie, Esq., I.C.S., Deputy Commissioner, Raipur, to the Commissioner of Excise, Central Provinces.—No. 656.

29th January 1896.

In acknowledging the receipt of your letter No. 50, dated the 6th instant, I have the honour to say that I approve of the suppression of opium-smoking saloons. They have been suppressed in all the districts in which I have served, and I have heard of no complaints on the subject, nor have I experienced any difficulties in consequence. I am not sufficiently acquainted with any other part of India to be able to express my opinion on the subject of the expediency of such suppression elsewhere.

Enclosure 19 in No. 13.

R. A. B. Chapman, Esq., I.C.S., Deputy Commissioner, Sambalpur, to the Commissioner of Excise, Central Provinces.—No. 268.

17th January 1896.

In reply to your No. 50, dated the 6th January 1896, I have the honour to reply that in my opinion it will be sufficient for the present to forbid the

sale of *madak* or *chandu*, or its possession in greater quantities than that allowed for ordinary opium. When the effect of this legislation has been seen, it will be time to investigate the question whether any special legislation is necessary to suppress the existence of saloons for smoking these drugs. Such measures must necessarily savour of the inquisitorial and should not, I think, be introduced until the direct necessity has asserted itself beyond doubt.

No. 14.

A. Williams, Esq., Secretary for Berar to the Resident, Hyderabad, to the Secretary to the Government of India, Finance and Commerce Department.—No. 321.

4th November 1896.

I AM directed to refer to the correspondence ending with this office letter No. 269, dated the 25th September 1896, on the subject of (1) alterations in the Rules under the Opium Act in force in the Hyderabad Assigned Districts; and (2) the proposed suppression of opium-smoking saloons by special legislation.

2. I am now to report, for the information of the Government of India, that no alterations in the rules in question are considered necessary, but that the Form A (the form of license) appended to those rules has been amended to bring it into conformity with the decision of the Government of India prohibiting the licensing of shops for the sale of the preparations of opium used for smoking. A copy of the revised license form is enclosed.

3. As regards the question of the suppression of opium-smoking saloons by special legislation, I am to enclose a copy of the marginally noted letter received from the Commissioner, Hyderabad Assigned Districts, and its enclosures, and to say that the Resident concurs with local opinion that no legislation is required for the suppression of these saloons. I am to add that a further inquiry is being made about the alleged sale of madak in the quasi-private smoking rooms referred to in paragraphs 2, 3, and 4 of the Commissioner's letter.

Commissioner's Letter No. 173 (Camp), dated the 12th October 1896.

Enclosure 1 in No. 14.

F. S. Bullock, Esq., I.C.S., Commissioner, Hyderabad Assigned Districts, to the Secretary for Berar to the Resident, Hyderabad.—No. 173 (Camp).

12th October 1896.

I HAVE the honour to submit the report called for in your No. 4498, of 13th December 1895, on the possibility or advisability of legislation against the use of premises for opium smoking or so-called smoking clubs.

2. On 12th June the Inspector-General of Excise reported that, with the exception of the Deputy Commissioner, Basim, the general opinion of Deputy Commissioners was that there are no opium-smoking saloons in Berar. Mr. Rustomji, Deputy Commissioner of Basim, said there were such in several places he named; but Major Hastings said that much depended upon what is considered an opium saloon. Taking it to mean premises regularly used for opium smoking by a number of persons who subscribed and paid the proprietor for their use, he doubted if there were any in the province, and, even if there were any, they did not appear to be of an objectionable character, and he did not consider that there was any need for their suppression.

3. My

3. My own inquiries having led me to believe that, in places like Amroati and Akola, there were "madak khanas," or opium-smoking saloons frequented by regular smokers, I asked him to make more careful inquiries through his police officers.

He has now reported that, after further inquiries, he is still of opinion that there is no need of legislation in the province at present.

Mr. Galloway, at Akola, reported that there were none in Akola, and that only about 75 persons in Akola were opium smokers.

Mr. Sewell at Buldana reported in a somewhat similar way.

While Mr. Fraser at Amraoti reported that he had discovered 18 smoking saloons in the city of Amraoti. He visited some of them and found that madak smoking was practised in them, and that the people who visited them varied from 5 to 30, and that most of them are of a private character, where madak is prepared and sold chiefly to friends of the proprietors and not to the public.

4. So far then as our inquiries go, and they have now been rather extensive, it would appear that these opium-smoking saloons are small semi-private houses where only friends or acquaintances of the proprietor visit for the purpose of smoking opium, and I am inclined to agree with Major Hastings that it is not necessary at present to prohibit or suppress them by legislative enactments. They do not appear to be in any way a scandal, or to be of specially bad reputation, and I would therefore recommend that at present no measures for their suppression should be taken.

5. No rules appear to be required to give effect to the decision of the Government of India that no shops shall be licensed for opium smoking because this prohibition is a condition of the license provided for under the terms of Rule VIII. (3) and Rule XII. But the Inspector-General of Excise recommends that Form A, the form of license, should be amended as follows:—

(1.) The marginal note to Clause I. to be omitted.
(2.) The words "and drugs" to be omitted from the inscription of the sign-board prescribed in Clause VII.
(3.) The addition to Clause V. of words prohibiting the smoking of preparations of opium by customers in the shop or premises of the licensee.

I enclose copies of the Inspector-General's letters for information.

Enclosure 2 in No. 14.

Major Warren Hastings, Officiating Inspector-General of Excise, Hyderabad Assigned Districts, to the Commissioner, Hyderabad Assigned Districts. —No. 624.

8th October 1896.

In reply to your endorsement No. 7077, dated 5th instant, forwarding copy of a letter No. 3211, dated 25th ultimo, from the Secretary for Berar, I have the honour to report that to give effect to the decision of the Government of India that no shops shall be licensed for the sale of preparations of opium used for smoking, no alteration of the rules prescribed under the Opium Act is necessary.

2. The prohibition becomes by executive order a condition of the license, which is provided for under the terms of Rule VIII. (3) and Rule XII.

3. Form A, the form of license, requires, however, the following amendments:—

(1.) The marginal note to Clause I. to be omitted.
(2.) The words "and drugs" to be omitted from the inscription of the sign-board prescribed in Clause VII.
(3.) The addition to Clause V. of words prohibiting the smoking of preparations of opium by customers in the shop or premises of the licensee.

 4. The

4. The report on the possibility or advisability of suppressing smoking saloons by special legislation is now complete and forwarded to-day.

Enclosure 3 in No. 14.

Circular Memorandum No. 3719, dated 6th November 1896.

Endorsed by Mr. A. Williams, Secretary for Berar.

Corrigendum.—The following revised Form A of license should be substituted for that appended to R. B. Circular No. 1, Chapter XI., Volume I., of the Code of Non-Judicial Book Circulars in force in the Hyderabad Assigned Districts.

License Form A referred to in Rule X. of the Rules in R. B. Circular No. 1, Chapter XI., Volume I.

In the Court of the Deputy Commissioner of

I.—In consideration of the sum of Rs._____ $\left\{\frac{\text{tendered}}{\text{bid}}\right\}$ by you___, inhabitant of_____, in the district of _____, at the auction held on the _____, the right to retail pure opium at the shops enumerated in the list hereto annexed during the term beginning on the_____, and ending on the 31st March 189 , is hereby granted to you, subject to the following conditions and to the provisions of the Opium Rules, a copy of which will be furnished to you on your paying the sum of_____.

If the right to retail is farmed, put "tendered" for "bid," and omit the clause "at the auction held on the."

II.—The sum mentioned in the preceding clause shall be payable by you at the tahsil of_____ as follows :—

On or before the 25th	of	Rs.
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,
Do.	of	,,

Failure to pay any one of the above instalments on the due date shall be deemed to be a breach of condition of this license.

[In the event of the instalments up to 25th of December inclusive having been paid by you, the advance of Rupees _____, which you have deposited in the tahsil, shall be credited to the instalments of the 25th January, February, and March, as they fall due.]

Clause to be used when security is not taken.

III.—You shall be liable to pay interest at 12 per cent. per annum on all instalments not paid by you on the dates on which they are payable, and interest at any time due on such instalments shall be deemed to have been added to, and to be part of, such instalment.

IV.—You shall be bound to keep your shops closed between the hours of 9 p.m. and sunrise.

V. You

V. You shall not permit drunkenness, riot, or gambling in your shops, nor shall you permit the consumption or smoking of opium and its preparations in any form on the premises, nor shall you permit persons of notoriously bad character to meet and remain there; nor shall you receive any wearing apparel or household effects in barter or as a pledge for the payment of opium supplied.

VI. You shall allow no one but the members of your own family, or your servants, to sleep in your shop at night.

VII. You shall keep constantly fixed up at the entrance of your shop a signboard bearing the following inscription in legible characters in the Marathi language:—

"Licensed to retail opium."

VIII. You shall produce for inspection your license and the books and returns which under Section XV. of the Opium Rules, you may be required to keep, on the demand of any Abkari Officer, or of any Revenue or Police Officer above the rank of a jemadar or head constable, and shall admit such officers to your shop at any hour of the day or night.

IX. Any breach of the conditions of the license or of the Opium Rules, committed by you or your agents or servants, or with your connivance or privity by any of your sub-contractors, shall render the entire lease voidable at the discretion of the Deputy Commissioner, and the cancelment of the lease will not relieve you from any further penalties to which you may be liable. Should the Deputy Commissioner cancel your lease, he may either take the farm under his own management or may re-sell it, and you shall be liable for any loss which may accrue on re-sale, and you shall have no claim to any compensation whatever, or to any refund of any instalments already paid, and should any profit arise on such re-sale, you shall have no claim thereto.

X. This license may, with the sanction of the Commissioner, be re-called without cause assigned at any time, but in this case you will be entitled to 15 days' notice, and to receive by way of compensation a sum equal to 1-24th of the sum bid by you at the auction.

Date_____

Signed and sealed_____

Deputy Commissioner.

List referred to in Clause 1 of Pattah.

Name of Town, Village, or Bazar.	Total Number of Shops at which Opium may be sold at the Places mentioned in Column 1.	Names of Streets in which Shops are situated, or other description of their Locality.	Remarks.

Signed and sealed_____

Deputy Commissioner.

Enclosure 4 in No. 14.

Major Warren Hastings, Officiating Inspector-General of Excise, Hyderabad Assigned Districts, to the Commissioner, Hyderabad Assigned Districts.—No. 625.

8th October 1896.

I HAVE the honour to inform you that having received Mr. Galloway's report yesterday, I am now in a position to reply to your letter No. 4389, dated 16th June last, in which you directed further inquiries to be made as to the existence of "Madak khanas."

2. On receipt of your letter I forwarded an extract to the Deputy Commissioners, Amraoti, Akola, and Buldana, and also addressed in the Police Department the Superintendents of Police of those districts, with the result that I have received reports from the District Superintendents of Police only. The Deputy Commissioners do not appear to have made any independent or personal enquiries.

3. I enclose, for your information, copies of the reports received. I also enclose copy of letter No. 5599, dated 27th August, from the Deputy Commissioner, Amraoti, which contains a note left by Mr. Nicholetts on the subject. Mr. Galloway and Mr. Sewell state that there are no public opium smoking saloons in their districts, while Mr. Fraser describes 18 in the town of Amraoti alone. From the details given, however, it would seem that there is not much practical difference between the conditions of the Amraoti and the Akola "Madak khanas," and as I remarked in my letter No. 362, dated 12th June, the question depends largely upon the meaning to be attached to the expression of "opium smoking saloons."

4. The practice in Berar seems to be for a few persons to meet together in the house of a mutual friend for the purpose of smoking madak. I doubt if any of them can be properly said to be open to the public, for the reason chiefly that the "public" do not like madak, and it does not appear that a stranger would be at liberty to enter these houses and demand madak on payment.

5. After consideration of those further reports, I am still of opinion that there is no need for legislation for the suppression of these houses in this Province.

No. 15.

A. Williams, Esq., Secretary for Berar to the Resident, Hyderabad, to the Secretary to the Government of India, Finance and Commerce Department.—No. 363.

5th December 1896.

IN continuation of paragraph 3 of this office letter No. 321, dated the 4th November 1896, on the subject of the alleged sale of madak in quasi-private smoking rooms in Berar, I am directed to forward a copy of a letter received from the Commissioner, Hyderabad Assigned Districts, No. 2120 R., dated the 26th November 1896, and to say that the Resident concurs in the Commissioner's opinion that there is little likelihood that the authorities will be able to obtain evidence of the sale of opium and its preparations in these places, and that consequently it is not probable that any prosecutions will be undertaken.

Enclosure in No. 15.

F. S. Bullock, Esq., I.C.S., Commissioner, Hyderabad Assigned Districts, to the Secretary for Berar to the Resident, Hyderabad.—No. 2120 R.

26th November 1896.

I HAVE the honour to refer you to your letter No. 3706, dated the 4th November 1896, asking me to submit a further report on the alleged sale of madak in the private or semi-private smoking saloons described in paragraph 3 of my letter No. 173 (Camp), dated the 12th October 1896.

2. The Inspector-General of Excise, Hyderabad Assigned Districts, explains that at the last sales of opium contracts, Deputy Commissioners were instructed to give effect to the orders of the Government of India, contained in Resolution No. 5460 S. R., dated the 19th November 1895, prohibiting the licensing of shops for the sale of preparations of opium used for smoking, and that he has no reason to suppose that the instructions were not complied with. Major Hastings argues, therefore, that if madak is sold in private or semi-private smoking saloons, the sale would be unlicensed and the vendor would be liable to prosecution for illicit sale of a preparation of opium. It is obvious, however, that so long as the use of the saloon is confined to a few friends, which appears to be generally, if not altogether, the case, there is little probability of procuring evidence of sale. Mr. Fraser could obtain no evidence that the proprietor sold the madak to the visitors, but he naturally inferred that it was sold. Of course such sales are illegal, and if evidence of them was forthcoming the proprietors would be prosecuted.

No. 16.

R. J. Crosthwaite, Esq., C.S.I., Chief Commissioner, Ajmere-Merwara, to the Secretary to the Government of India, Finance and Commerce Department.—No. 93 C.–589.

11th November 1896.

WITH reference to Finance and Commerce Department Resolution No. 5460 S. R., dated the 19th November 1895, I have the honour to submit a copy of a letter from the Commissioner of Ajmere-Merwara, regarding the measures which should be adopted for the further restriction of opium smoking in those districts.

No. 604 R., dated the 6th August 1896, and enclosure.

2. I agree with the Commissioner's recommendations—

(1) That permission shall not be given to the opium farmer to sell preparations of opium, namely, madak and chandu;

(2) To reduce the quantity of opium prepared for smoking which a person may legally have in his possession, from 5 tolas to 1 tola.

3. I do not recommend that the assembly of two or more persons in a private place for the purpose of smoking opium should be made illegal. The law could not be enforced without an amount of domiciliary visiting which would be open to serious objection.

4. It is stated that there are 25 illicit smoking dens in the city of Ajmere, and they are well known to the police. The actual sale of smoking preparations in these dens to their frequenters has been found difficult of detection; but the Commissioner thinks that this difficulty should be overcome and the dens closed by the prosecution of the persons who keep them. He states that special police action will be taken to secure this end.

5. In conclusion, I beg to submit a draft Notification amending Rule 5 (1) of the Ajmere-Merwara Opium Rules, which I request, if approved, may be sent to the Superintendent, Government Printing, for publication in the "Gazette of India," Part II.

Enclosure 1 in No. 16.

NOTIFICATION by the Chief Commissioner, Ajmere-Merwara.—No. 589.

20th November 1896.

IN exercise of the powers conferred by Section 5 of the Opium Act 1878, the Chief Commissioner of Ajmere-Merwara, with the previous sanction of the Governor General in Council, directs that for Rule 5 (1) of the Opium Rules, published under Notification No. O. R. 589, dated the 12th of August 1887, the following shall be substituted, namely :—

5. (1) A person may possess—

(*a*) Opium other than a preparation or admixture used for smoking, to an amount not exceeding 5 tolas in weight.

(*b*) Any preparation or admixture of opium used for smoking, to an amount not exceeding 1 tola in weight.

(*c*) Poppy-heads to an amount not exceeding 8 seers in weight.

Enclosure 2 in No. 16.

H. V. Cobb, Esq., Officiating Commissioner, Ajmere-Merwara, to the Chief Commissioner, Ajmere-Merwara.—No. 604 R.

6th August 1896.

I HAVE the honour to acknowledge the receipt of your office endorsement No. 1448–589, III., dated the 2nd December 1895, and in reply to forward a copy of letter No. 880, dated the 31st March 1896, received from the Assistant Commissioner of Ajmere and Collector of Excise Revenue, Ajmere-Merwara, regarding the further restriction of opium smoking so far as the districts of Ajmere and Merwara are concerned.

2. The points suggested by the Government of India for consideration are,—

(1) Whether any alterations can usefully be made in the Ajmere-Merwara Opium Rules with a view to give further effect to the policy of Government described in paragraph 2 of their Resolution No. 5460 S. R., dated the 19th November 1895, which accompanied your office endorsement cited above.

(2) Whether any practical measures can be adopted for suppressing opium smoking saloons.

3. With regard to the first point, I agree with the Collector of Excise Revenue in the opinion that the wishes of the Government of India can be carried out without making any alterations in the present opium rules and without any considerable loss of Government revenue, by amending the conditions of the license for the retail vend of opium, whereby the permission given to the opium contractors to sell the preparations of opium, named madak and chandu, will be withdrawn when the next opium contract is given in April 1898. The inquiries made by me since the receipt of the Collector's letter as to the amount of prepared opium which is sold in Ajmere-Merwara at the licensed opium shops, and as to what compensation, if any, should be granted to the opium contractors if the sale of such preparations is prohibited forthwith, show that during 1895–96. the first year of the present contract, no prepared opium was sold by the Ajmere and Kekri contractors, while about 16 seers only were sold by the opium contractors of Beawar and Nasirabad. Based on these figures, which I have had great difficulty in obtaining and on which no great reliance can, I fear, be placed, I estimate the amount of compensation referred to above at about Rs. 200 a year, or in round figures Rs. 400 from the present time until the expiry of the contract on 31st March 1898. I would, under the circumstances, suggest that the sale of prepared opium at the licensed shops may be stopped at once.

4. With

4. With regard to the second point referred to in paragraph 2, *supra*, the Collector has made the following suggestions, viz. :—

(*a*) That the assembly of two or more persons in a private place for the purpose of smoking opium be totally prohibited; and

(*b*) that the quantity of prepared opium used for smoking, of which the possession is legal under Rules 1 (5) and 5 (1) of our present Opium Rules, be reduced from 5 tolas to 1 tola.

The first proposal cannot be given effect to without special legislation, which, I think, might usefully be undertaken on the lines of Act III. of 1867, which provides for the suppression of common gaming houses. Meantime, however, the second measure suggested by the Collector of Excise Revenue might be adopted without further delay, under the powers with which the Local Government has already been invested under the Opium Act I. of 1878.

Enclosure 3 in No. 16.

The Assistant Commissioner and Collector of Excise Revenue, Ajmere, to the Commissioner, Ajmere-Merwara.—No. 880.

31st March 1896.

I HAVE the honour to acknowledge the receipt of your office endorsement No. 742 R., dated 10th December 1895, giving cover to a copy of Finance and Commerce Department Resolution No. 5460 S. R., dated the 19th November 1895, and asking my opinion (1) as to whether any alterations can usefully be made in the Ajmere Opium Rules with a view to giving further effect to the policy described in paragraph 2 of the Resolution, and (2) whether any practical measures can be adopted locally for suppressing smoking saloons.

2. In reply, I have the honour to state as follows :—

With regard to the first point, it is suggested in paragraph 2 of the Resolution that the Government should cease in future to license shops for the sale of preparations of opium used for smoking. In this district no shops have been licensed for the exclusive sale of preparations of opium used for for smoking. There are twelve opium shops in the Ajmere-Merwara as shown in the margin. The present opium contractors who have the monopoly of the retail sale of opium are, under the terms of their licenses, allowed to sell prepared opium used for smoking, but very little of these preparations is sold by them, for since the prohibition of consumption of prepared opium on the premises of licensed shops illicit smoking dens have sprung up, which afford facility to the gathering of opium-smokers. There they are supplied with prepared opium and the necessary instruments used in smoking. I am informed that at only one shop (at Madar Gate), out of eight shops in the Ajmere city, chandu and madak is sold, and at this shop only occasionally. The manufacture of these preparations of opium by those who smoke there is not prohibited by law, but no one can possess these preparations in quantities exceeding 5 tolas. The opium contractor can of course, under the terms of his license, sell these preparations at all shops. It therefore follows that practically we have no chandu or madak shops.

Ajmere city (including godown)	9
Nasirabad	1
Kekri	1
Peawar	1
Total	12

3. The term of the present contract is three years, of which the current financial year is the first year. After the expiry of the term of the present contract the conditions of the license will be amended, and the contractor will not be authorised to sell prepared opium. This would not probably affect the revenue to any great extent, and no alterations in the rules would be necessary on this account.

4. As

4. As regards the second point, two practical measures can be adopted for suppressing saloons—

(*a*) That the assembling of two or more persons in a private place for the purpose of smoking opium be totally prohibited.

(*b*) That the amount of a preparation of opium used for smoking, of which the possession is legal, should be reduced from 5 tolas to 1 tola.

5. As regards (*a*), it is doubtful whether such restrictions could be imposed under the Opium Act I. of 1878. The matters regarding which a Local Government is authorized to make rules under the Act are specified in Sections 5, 8, and 13. The gathering of opium smokers in a private place cannot apparently be prohibited by framing any rule under the aforesaid sections.

The second measures (*b*) could be adopted without any difficulty. If the amount of prepared opium which a person is allowed to possess be reduced to 1 tola, the establishment of opium smoking dens would be easily prevented. In the Punjab, Bombay, North-Western Provinces and Oudh this has already been done, where individuals, though they may manufacture preparations of opium for their own use, are not permitted to possess a larger amount than 180 grains (about 1 tola), *vide* paragraph 195 of Volume VI., page 72 of the Final Report of the Royal Commission on Opium. This measure would require alterations in our Opium Rules 1 (5) and 5 (1).

The limit of the amount of unprepared or pure opium (as distinguished from preparations of opium) an individual may possess should remain as before, namely, 5 tolas, for any reduction of this amount would cause great hardship to the public.

No. II.

The Secretary of State to the Governor General of India in Council.—No. 115 (Revenue).

My Lord, 22nd July 1897.

I have considered in Council your Excellency's Letter, No. 137 (Opium), dated the 25th May 1897, regarding measures for restricting the practice of opium smoking in India.

2. The Royal Commission on Opium advised that the practice of licensing shops for the manufacture and sale of opium prepared for smoking should cease, though they did not recommend that measures should be taken to prevent private persons from preparing their own opium in the small quantities permissible by law and smoking it. They suggested that special measures should be taken to prevent the use of smoking saloons by the public or by so-called clubs.

3. You report that steps have been taken, or are being taken, in all provinces* to discontinue the practice of licensing shops to sell opium prepared for smoking. The present law does not enable you to close private smoking saloons, so long as none of the frequenters or attendants at such places possess more than the small quantity of opium permitted by law. You consulted the Local Governments on the question whether the Legislature should be asked to grant wider powers for repressing or prohibiting private saloons for opium smoking.

* Burma is an exception to this prohibition. There all opium consumption by Burmans and Karens, save by registered habituals, is prohibited; and there, too, the ordinary mode of consuming opium has long been to smoke it, rather than to eat it or drink it.

4. The Government of Bengal advises legislation against saloons or clubs for opium smoking, and has submitted to you a draft Bill for giving effect to its view. The rest of the Local Governments deprecate any special legislation of the kind, on the grounds (1) that (in Madras) there are no smoking saloons and very little smoking; (2) that such an enactment would become a means of extortion and oppression on the part of subordinates in the police and

and preventive departments; and (3) that such a measure might result in making the practice of private opium smoking more general.

5. Your Government are not fully satisfied that opium smoking is in all cases really more injurious than opium eating. You point out that, though opium smoking is condemned as a noxious habit in continental India, where opium eating is preferred; yet in Burma, Singapore, and other parts of Eastern Asia, where opium smoking is common, that particular indulgence is deemed less harmful and less objectionable than opium eating.

6. In these circumstances you have decided, in conformity with the views of all the Local Governments except that of Bengal, that it is inexpedient to legislate for the general repression and closing of private smoking saloons throughout India. I have fully considered the arguments used by the Lieutenant Governor of Bengal in his Secretary's letter of the 5th September last, but am not convinced that the special legislation therein advocated would be desirable. I therefore concur in your Excellency's decision.

I have, &c.,
G. HAMILTON.

EAST INDIA (OPIUM).

RETURN of recent CORRESPONDENCE between the Government of India and the Secretary of State in Council (including Reports by the Local Governments in India) as to the measures adopted to give effect to the recommendation of the Royal Commission on the subjects of the evils connected with Opium smoking in India, and the use of rooms as Opium Smoking Saloons.

(*Sir Joseph Pease.*)

Ordered, by The House of Commons, *to be Printed,*
5 April 1898.

[*Price* 6*d.*]

152. *Under* 6 *oz.*

EAST INDIA (OPIUM).

RETURN to an Address of the Honourable The House of Commons, dated 20 November 1902;—*for*,

"RETURN of FURTHER CORRESPONDENCE between the INDIA OFFICE and the SOCIETY for the SUPPRESSION of the OPIUM TRADE (in continuation of Parliamentary Paper, No. 120, of Session 1902)."

India Office,
27 November 1902.

ARTHUR GODLEY,
Under-Secretary of State.

(Mr. Henry J. Wilson.)

Ordered, by The House of Commons, *to be Printed*,
27 *November* 1902.

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1902.

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No. 1.

LETTER from SIR JOSEPH W. PEASE, BART., M.P., to THE UNDER-SECRETARY OF STATE FOR INDIA, dated—44, Grosvenor Gardens, S.W., 24th April 1902.

As President of the Society for the Suppression of the Opium Trade, I have the honour to enclose the Society's reply to your letter of the 18th of February last on behalf of the Secretary of State for India. For your convenience I enclose two copies, and I am also sending a copy to Lord George Hamilton.

Yours faithfully,
(Signed) JOSEPH W. PEASE.

Enclosure in No. 1.

LETTER from the SOCIETY FOR THE SUPPRESSION OF THE OPIUM TRADE to the Right Hon. LORD GEORGE HAMILTON, M.P., His Majesty's Secretary of State for India, dated—Finsbury House, Bloomfield Street, E.C., 24th April 1902.

We have to acknowledge the letter signed on behalf of the Secretary of State for India in Council, and dated 18th February last, in reply to the memorial addressed by us to the Marquess of Salisbury in December last, on the subject of the cultivation of the poppy in India.

2. After quoting our statement that "numerous and express pledges have "been made on behalf of successive Governments in this country that the "area of the poppy cultivation is to be diminished," the letter states that your Lordship "cannot admit that there is any pledge of this kind which is "operative at the present time or binding on the Government of India." We feel bound to express our regret that the Secretary of State for India in Council should have employed language apparently intended to convey the impression that no such pledges had been given, and which has, in fact, been understood by the Press, both favourable and unfavourable to our views, as a contradiction of our statement.* We understand that your Lordship does not really deny these pledges—which would be impossible, in face of the quotations contained in our memorial—but contends (1) that they have now ceased to be operative, and (2) that, whether or not binding on the Home Government, they are not binding on the Government of India. We will deal with these two points separately.

3. As regards the former point, your Lordship's contention appears to be based upon the fact that the resolution of the House of Commons in 1893, after recognising the "strong objections urged on moral grounds to the system "by which the Indian opium revenue is raised," and after pressing "on the "Government of India to continue their policy of greatly diminishing "the cultivation of the poppy and the production and sale of opium," proceeded to request the appointment of a Royal Commission to inquire into the question "whether the growth of the poppy and manufacture and "sale of opium in British India should be prohibited except for medical "purposes," and into various other subsidiary questions, including the question: "(4) Whether any change short of total prohibition should be "made in the system at present followed for regulating and restricting the "opium traffic and for raising a revenue therefrom." The letter says that we "overlook the fact that the effect of that resolution was to remit the "entire question of opium production in India to the consideration of a "Royal Commission, and to suspend the judgment of Parliament as to what "should be the policy of the Government in this matter until the Commission "should have reported." We cannot admit the "fact" here alleged. The

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* *See* "Manchester Guardian," 26th March 1902, "Pall Mall Gazette," 28th March 1902.

clauses above quoted are concurrent clauses of the same resolution, and there are no words limiting the operation of the earlier clause, which presses on the Government of India the policy of diminishing poppy cultivation, till after the report of the Commission to be appointed under the later clause. The policy laid down in the former clause, as we pointed out in our memorial, had been announced by the Marquess of Salisbury, when Secretary of State for India in 1876, and had been reiterated in the House of Commons on behalf of the Home Government in 1891 by Sir James Fergusson and the late Right Hon. W. H. Smith. The latter said: "The policy which this Govern- "ment has taken, and which all Governments have taken, during the past "few years—for the present Government take no credit for greater care and "consideration for the morality of the people of India than has been shown "by preceding Governments—has been to diminish the area of cultivation "in India." It was only natural that two years later, when proposing the appointment of a Royal Commission to inquire into the more drastic proposal to prohibit the trade entirely, except for medical purposes, her late Majesty's Government should reaffirm this policy, which had been thus solemnly enunciated as the policy already adopted by successive Home Governments, and had remained without public challenge from the Government of India. In the absence of any contradiction between the two clauses, it appears to us clear that the former was intended to remain binding, whatever the result of the inquiries contemplated by the latter.

4. As regards the contention that these pledges are not "binding on the "Government of India," we are glad to note that your Lordship does not base it on any suggestion that the Government of India is entitled to disregard a resolution of the House of Commons, but solely on the ground that the action of the Indian Government in restricting poppy cultivation for a few years had been misunderstood by the Home Government, and consequently misrepresented to the House of Commons, as explained by Sir David Barbour in his evidence before the Royal Commission* at Calcutta, and by the majority of the Commission in paragraphs 190 and 191 of their Report. Whilst we regret that the Indian Government should have found it necessary to disclaim the "care and consideration for the morality of "the people of India" which had been attributed to it by Mr. W. H. Smith, we cannot admit that the policy enunciated by the Home Government in 1891, and incorporated into the resolution of the House of Commons in 1893, is the less binding upon the Indian Government because it originally rested upon a misconception of the motives actuating the Indian Government.

5. The letter under reply, after quoting the conclusion of the Majority Report of the Royal Commission on this subject, which proposed to leave it to "the Government of India to decide from time to time the area which "shall be put under poppy," states that, "in view of the general approval "which the Report of the Commission received in this country and of the "failure of all attempts to discredit it in the House of Commons," your Lordship considers that "the Government of India, so long as it shapes its "policy in accordance with these recommendations" of the Commission, "is "not acting in contravention of any operative decision of Parliament." It appears to us clear, for the reasons stated in the last two paragraphs, that the majority of the Commission, in so far as its recommendation on this subject purported to set aside a clause of the resolution of the House of Commons under which it was appointed, acted in excess of its powers. But we cannot pass in silence your Lordship's statements as to the acceptance of the Majority Report of the Royal Commission in this country, and the failure of attempts to discredit it in the House of Commons. So far from the Report of the Opium Commission having satisfied public opinion in this country, we can confidently assert that, on the main question at issue, that of the preparation of opium by the Indian Government for export to China and other countries, public opinion in the United Kingdom is, at the present time, more unanimously hostile to the trade than it has ever been. In support of this assertion, we may refer to the remarkable memorial recently

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* Opium Commission Report, Vol. II., Questions 2077, 2078, and 2085–89.

presented to the Prime Minister by the Archbishop of Canterbury, bearing the signatures of leaders of nearly all the Christian churches in this country. For this attitude on the part of the public there are manifest and weighty reasons, some of which we will set forth.

6. We may remind your Lordship that the majority of the Commission devoted by far the greatest portion of their voluminous report to the question of opium consumption in India. Although they stated (paragraph 127) that "the quantity of both Bengal and Malwa opium exported "to China and the Far East is . . . far larger than that consumed in "India, to which it bears the proportion of about 12 to 1," yet, as has been shown by the Reverend Arnold Foster, "all the evidence the Com-"missioners have collected from China and the Far East, together with their "own review of the same, occupies less than 370 pages of the six volumes "(2,220 pages), which contain all the proceedings of the Commission," being only one-fifth of the whole. This smaller portion of their Report which refers to the far larger question of the Export Opium Trade is also the portion which has been most conclusively shown to be altogether untrustworthy. It must suffice here briefly to refer your Lordship to the "Examination and Appeal," by the Reverend Arnold Foster, B.A., the well known missionary, from which we have just quoted. This carefully prepared and moderately worded paper, published in 1899, and commended to public notice by 148 well known men, including representatives of widely different political and religious opinions, shows that many of the statements contained in that portion of the Report are distinctly untruthful representations as to the facts of the evidence. The author observed in his introduction, "It can hardly "be doubted that the charges here made, supported as they are in "every case by proofs of a very strong kind, will be regarded as sufficiently "serious to merit a reply and refutation, if a reply can be given, or if they "can be refuted; it may be safely assumed that if no reply is attempted ". . . the reason must be that the charges are in themselves felt to be "unanswerable even by those whose special care and duty it should be to "answer them." Three years have elapsed, and no such answer has yet appeared. The Majority Report, as regards China, thus stands convicted of having seriously misrepresented the testimony on which it professes to be based, to an extent and in a manner which would have been incredible had it not been clearly proved. On the other hand, no attempt has yet been made to refute the Minority Report of Mr. H. J. Wilson, M.P., who, after a careful review of the whole case, comes to the conclusion "that "it is altogether unworthy for a great dependency of the British Empire "to be thus engaged in a traffic which produces such widespread misery "and disaster." This Report affords a striking contrast to that of the majority by the fairness with which it treats the evidence on both sides of all the seriously disputed questions; whilst in the Majority Report, as has been pointed out by Mr. Foster, "no single sentence unfavourable to opium "is anywhere quoted from any anti-opium witness in any part of their China "Report," a remark which is also applicable to the other portions of that Report.

7. A further reason for the deepening conviction of the immorality of the opium traffic with China is to be found in the fact that, since the Opium Commission presented its Report, much additional evidence on the subject from the highest authorities has come before the public. Recent events in China have led to the publication of a mass of literature bearing on the relations of that country to foreign Powers. Besides numerous fresh testimonies from the missionaries, whose intimate acquaintance with the language and habits of the people make them the most reliable witnesses, and who have always been practically unanimous as to the disastrous effects of opium on the Chinese, we have had the testimonies of the Viceroy, Chang Chih-Tung; of Sir Robert Hart, Bart., G.C.M.G., Inspector-General of the Chinese Imperial Maritime Customs (who expresses not his own opinions, but those of the Chinese governing class); of Mr. Chester Holcombe, for many years attached to the United States Legation at Peking; of travellers, such as Mr. Little and Mrs. Bishop; and of the distinguished French writer and

naval officer, Pierre Loti. All testify that, in the words of the last named, "China is dying of this poison."*

8. With regard to the alleged "failure of all attempts to discredit" the Majority Report of the Opium Commission "in the House of Commons," we have to point out that only one such attempt has been made, namely, on the 24th May 1895, less than three weeks after the Report had been in the hands of Members of the House of Commons. In the debate on that occasion, the principal argument used by the Secretary of State for India was that the motion was premature, and that sufficient time had not elapsed for the investigation of the evidence presented by the Commission. Since then, owing to the diminished opportunities now available to private Members, the subject has not again been discussed in the House of Commons.

9. As regards our statement that the area under poppy has increased of late years, we regret that here also the letter, by saying that the statement "can be more briefly disposed of," has used language which has been understood by the Press to mean that our statement was denied,† although, in fact, no attempt is made to displace the figures set forth in our memorial, which place the statement beyond dispute. Your Lordship's reply on this point appears to consist simply in substituting the figures of opium production (chests of opium manufactured) for those of poppy cultivation (acreage of land under poppy), and is consequently no answer to our argument.

10. The material facts, as to which there is no dispute, are as follows:— In 1888, the Indian Government, finding its stock of opium unnsually heavy, and fearing to diminish prices by throwing a large supply upon the market, ordered the diminution of area, which Mr. W. H. Smith attributed to humanitarian motives. "In Behar 10 per cent., and in Benares 24 per cent., of the "cultivation was not allowed to be renewed."‡ During the following seven years, "owing to bad seasons and poor yields," as your Lordship states, the production of opium fell off greatly. Accordingly, in its Resolution on the Report of the Opium Department for 1894–95, the Indian Government determined that "the area of cultivation be fixed as far as possible to produce 54,000 chests per annum."§ This was a much higher standard than that of the seven preceding years. Yet the resolution of the House of Commons in 1893 had not only urged the Government of India to diminish the cultivation of the poppy, but also to diminish the "production and sale of opium." By its policy of maintaining the production of opium at a fixed standard, the Indian Government has thus, according to your Lordship's own statement, been setting at naught a deliberate Resolution of the House of Commons.

11. With regard to our statement that "this increase" of poppy culture "is the result of a deliberate policy on the part of the Indian Government, "who desire to make up for the lessened profit due to Chinese competition "by increasing the area under poppy in India," the former part of it appears to us to be completely justified by the letter under comment, showing as it does, that the Indian Government has adopted a standard of production which it must have known, in view of the diminished yield of the poppy crop, involved an increased area of cultivation. Our further statement that "the lessened profit on Indian opium is due to Chinese competition" is also based on indisputible facts. The competition of China-grown opium is the chief reason for the fall in the price of opium which has reduced the net opium revenue from 6,977,949*l.* in 1889–90, to 2,674,828*l.* in in 1899–1900.‖ The enhanced prices obtained for opium in 1899 to 1901, mentioned in your Lordship's despatch, so far from disproving our statement, proves clearly that it is well founded. For the reports of the Chinese Imperial Maritime Customs show that these enhanced prices were due to failure of the poppy crops in China. We are, therefore, unable to modify our view that the policy of the Indian Government in establishing the

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* Les Derniers Jours de Pekin, p. 395.
† *See* article in "Pall Mall Gazette" already referred to.
‡ Report, Bengal Opium Department, 1888–89.
§ Report, Bengal Opium Department, 1895–96.
‖ Statistical Abstract relating to British India, 35th No.

production of opium at 54,000 chests a year, and the consequent raising of the area under poppy to the extent needful to ensure the production of that quantity, are in fact due to the competition of Chinese opium, seeing that the motive of the Indian Government for adopting this policy is clearly that of maintaining its opium revenue, whether or not it distinctly recognised the fact of Chinese competition as the chief menace to that revenue.

12. We cannot close without calling your Lordship's attention to some grave objections, even from the Indian point of view, which apply, not merely to the extension of poppy cultivation, but to the whole system of opium production under Government stimulus and management. At the same time we by no means desire to see the cultivation of the poppy thrown open; prohibition (except for medical use), not free trade, is our object:—

(*a.*) The system leads to much oppression on the part of subordinate officials of the Opium Department. Mr. H. J. Wilson's Minute of Dissent, paragraphs 7 to 10, and Notes F. and G., contain conclusive proofs, from the evidence taken by the Royal Commission, of the truth of this statement, which is confirmed by the statement in the Report of the Opium Department for 1893–94, that "native "subordinates . . . worry the cultivators in order to secure "perquisites to which they have no right."

(*b.*) For the sake of profit to the Indian Government, the cultivators have pressure put on them, and are at the same time tempted by Government advances without interest to cultivate the poppy, although other crops would pay them better. The official evidence given before the Commission in 1894, as to the great value of the poppy culture to the ryots, was conclusively disproved by the action of the Indian Government immediately afterwards in raising its payment for crude opium by 20 per cent. But it is still a constant complaint in the Annual Reports of the Opium Department that other crops compete with the poppy; wheat, oil-seeds, potatoes, garden produce, and sugar cane are named in this connection.

(*c.*) In view of the recent famines, from which the peasant population of India has suffered so terribly, it is surely nothing less than a scandal to find it admitted in the Report of the Opium Department for 1896–97 that "the increased area" of poppy cultivation "was "doubtless largely attributable to the necessitous condition of the "cultivators." The Opium Department, on its own showing, did not hesitate to take advantage of the fact that the people were "on the verge of famine," in order to tempt them, by money advances, to sow poppy, and thus meet the demands of the Indian Government for the required quantum of opium production.

(*d.*) The reports show that much attention is given by the Opium Department to irrigation, liberal advances being made to secure irrigation of poppy fields. This also appears to us to be a crying scandal, that money should be forthcoming for irrigation to produce poison for China, rather than food for the famine-stricken people of India.

(*e.*) Finally, there is the danger of spreading the pernicious habit of opium eating amongst the population of the opium-producing districts; a danger to which the strict rules against retaining opium, and the not infrequent offences against these rules bear witness.

13. In conclusion, we take this opportunity of re-asserting the main ground of our protest against the Indian Government's opium trade with China, its inconsistency with the principle of morality which ought to govern the conduct of a Christian nation. This principle cannot be affected by the question raised in your Lordship's letter, whether China now asks for prohibition—she certainly has often done so in the past—or by that suggested by the majority of the Opium Commission, whether she might obtain opium from some other source. In the words of the Archbishop of Canterbury, we "cannot understand how any Christian man can say that he "is at liberty to take any part whatever in doing a great evil on the ground

" that, if he does not do it, it will nevertheless be done by other people." We pray that the British and Indian Governments may speedily be freed from this national sin.

We are, &c.

(Signed) Joseph W. Pease, President.
Matthew Dodsworth, Treasurer.
Joseph G. Alexander, Hon. Secretary.
George A. Wilson, Secretary.

No. 2.

Letter from the INDIA OFFICE to Sir JOSEPH PEASE, Bart., M.P., No. R. and S. 1307, dated 15th May 1902.

I am directed by the Secretary of State for India in Council to acknowledge the receipt of a letter, dated 24th April 1902, submitting on behalf of the Society for the Suppression of the Opium Trade, and in reply to my letter of the 18th February last, further observations on the policy of the Government of India with regard to the cultivation of the poppy in India, and protesting against the maintenance of the Indian opium trade.

The opening paragraphs of the letter re-state the contention of the Society that the Indian Government is under an obligation towards Parliament to reduce the area under poppy cultivation in British India, and to diminish the production. On this subject, I am to say that Lord George Hamilton has nothing to add to the statement made in my former letter that neither the Government of India nor His Majesty's Government, as responsible for the Government of India, is under any pledge to Parliament, which is operative at the present time, that the area under poppy cultivation and the production of opium in India shall be reduced. He maintains that, whatever may have been the case as to a Parliamentary statement prior to the inquiry made by the Royal Commission on Opium, the Report of that Commission, covering, as it did, all the aspects of the Indian opium question, and bringing the facts fully and authoritatively before the Government of the day and before Parliament, created an entirely new situation. Her late Majesty's Government publicly approved and acted upon that Report; their action has never been challenged in Parliament; and under these circumstances, he considers that the Government of India is fully justified in shaping its opium policy, with the assent of His Majesty's Government, in general accordance with the Commission's views and recommendations.

In the Memorial addressed by the Society to the Marquess of Salisbury in December last, the complaint preferred against the Indian Government was that, notwithstanding the House of Commons' resolution of the 30th June 1893, "pressing on the Government of India to continue their policy " of greatly diminishing the cultivation of the poppy and the production and " sale of opium," that Government was steadily increasing the area under opium cultivation. To prevent the possibility of a wrong impression being created by this complaint, my letter of the 18th February made it clear, by a reference to the figures of opium production, that although the area under poppy had been extended of late years in consequence of unfavourable seasons, there had been no corresponding increase in production; but that, on the contrary, the annual provision of export opium had been reduced from 54,000 chests to 48,000 chests. Your present letter describes this reply as being no answer to the argument of the Memorial, and as merely substituting the figures of opium production for those of poppy cultivation. But it seems to Lord George Hamilton that, if there was any importance in the assertion that the area under poppy was being extended, it lay wholly in the inference or suggestion that the production of opium was increasing. And on that ground he thinks that a statement of the fact that the production has not increased, but decreased, is at any rate not without its bearing on the question at issue.

The Society's letter concludes by inviting attention to what the Society considers to be grave objections from the Indian point of view to " the whole

system of opium production under Government stimulus and management." These objections are in substance that the opium cultivator is not a free agent, but is compelled to grow opium either by the direct pressure of the Department, or by the inducement of money advances. It is said to be "a scandal" that such advances are even offered in years of drought to needy cultivators, and that they are similarly assisted to build irrigation wells for their poppy cultivation when the money might have been utilised to increase the food of the country. These objections have been often raised and often refuted, and Lord George Hamilton does not propose to examine them at any length. I am, however, to point out that the Opium Commission very carefully inquired into the charge of compulsion, and found that "the cultivators are free, and are "perfectly well aware that they are free, to engage to cultivate the poppy "or not." As to the money advances made towards the cost of growing an expensive crop like the poppy, the Society condemns a practice which is highly beneficial to the poorer cultivators, who otherwise would borrow from the money lenders at usurious rates. As to the advances made to opium cultivators for the constuction of irrigation wells, it is a known fact that such wells irrigate a much larger area of land than the little patch which the cultivator places under poppy, and that, by thus stimulating the construction of wells, the Opium Department has done valuable service towards the protection of the country from drought, and the increase in its food-supply. It is, moreover, to be remembered that famines in India are caused not so much by the difficulty of bringing food to the affected districts, as by that of securing that the inhabitants shall have the means of purchasing it; and there can be no doubt but that the assistance given to the cultivation of opium, by increasing directly and indirectly the resources of great numbers of peasants, has done much to preserve large districts in India from scarcity and suffering.* Lord George Hamilton is unable to admit that these specific objections which the Society has thought fit to bring forward in its present letter in any way strengthen the case for restricting or prohibiting the cultivation of the poppy in India. He considers that the case substantially rests where the Opium Commission of 1893 left it, and he cannot see that any new arguments have been presented by the Society which affect or impair the findings of the Commission.

I am, &c.
(Signed) A. GODLEY.

Enclosure in No. 2.

EXTRACT from REPORT by Sir ANTHONY MACDONNELL referred to above.

"Besides the advances made by Government under the Agricultural Loans and the Land Improvements Acts to which reference has now been made, great assistance at this time was given by the operations of the Opium Department. The statistics furnished by the Benares Agency show that advances made for construction and repair of wells during the famine period aggregate about a lakh of rupees and represent an addition of about 37,500 acres to the irrigated area. The other sums paid in advances to poppy cultivators between July and December 1896 amount to no less than Rs. 35,40,000. This very large sum, which represents in effect a vast number of loans made without interest to the cultivating classes, gave most valuable and opportune assistance to a large number of distressed districts. In one of them alone—Rae Bareli—the villagers received in this way loans amounting to almost $2\frac{3}{4}$ lakhs of rupees. Later on in the spring of 1897, when the opium was gathered and weighed in, payments were made to the cultivators aggregating over 84 lakhs, and when the accounts were finally closed in October the further payments then made came to about $13\frac{1}{2}$ lakhs. Besides these large sums about $34\frac{1}{2}$ lakhs were advanced from August to October 1897 on account of the coming crop. The cultivators of these Provinces were thus financed during the scarcity period by the Opium

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* *See* Report of Sir Anthony MacDonnell's Government on the 1896-7 famine in the North-Western Provinces and Oudh, page 25 (Extract appended to this letter).

Department to the extent of nearly 168½ lakhs of rupees (equal to over one million sterling at current rates of exchange). Nearly all these transactions took place in distressed districts, as poppy is not grown in the Meerut and Kumaun divisions, which alone escaped the famine."

No. 3.

LETTER from the SOCIETY FOR THE SUPPRESSION OF THE OPIUM TRADE to the Right Hon. LORD GEORGE HAMILTON, M.P., His Majesty's Principal Secretary of State for India, dated—London, 7th July 1892.

We beg to acknowledge receipt of the letter of May 15th, signed by Sir Arthur Godley on your Lordship's behalf, in reply to our communication to you of April 24th. We recognise that a correspondence of this character cannot be indefinately prolonged, and we are the less desirous of continuing the present correspondence as we do not find that your Lordship seriously challenges any of the statements on which our memorial was based. We therefore propose but briefly to reply on the three points referred to in your Lordship's letter.

2. What we take to be the main proposition of your Lordship's letter, namely, that the findings of the majority of a Royal Commission on a point which was not even included in the reference to them can set aside solemn Governmental and Parliamentary declarations, appears to us to lie beyond the scope of argument; it simply calls for an emphatic but respectful protest on our part.

3. The fact that, notwithstanding the increased area of poppy cultivation of which we complained, the production of opium has been less than formerly is obviously the result of those forces of nature against which the Indian Government has found itself powerless; we fail to see how it can justify setting aside the injunction of the House of Commons to continue the "policy of greatly diminishing the cultivation of the poppy and the "production and sale of opium."

4. We are glad to learn that the advances made to the poppy cultivators by the Indian Government for the construction and repair of wells, and for sowing poppy, have been incidentally beneficial to them in time of famine; but this does not seem to us to diminish the scandal that such advances were made, not with the object of relieving distress, or of increasing food crops in India, but solely in order to maintain the supply of a drug to China, the consumption of which is utterly at variance with its well-being.

5. On all these points, therefore, we are well content that the public should judge between us and the Indian Government. For ourselves, we can only maintain, if possible with increased energy, our protest, not only against the extension lately given to the cultivation of the poppy in India, but against the entire trade in opium, for other than its legitimate medical use.

We are, &c.
(Signed) JOSEPH PEASE, President.
MATTHEW DODSWORTH, Treasurer,
JOSEPH G. ALEXANDER, Hon. Secretary.
GEORGE A. WILSON, Secretary.

No. 4.

LETTER from the INDIA OFFICE to the SOCIETY FOR THE SUPPRESSION OF THE OPIUM TRADE, No. R. and S. 1993, dated 23rd July 1902.

I am directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 7th July, submitting further remarks on the subject of the cultivation of the poppy in India and the opium trade.

I am, &c.
(Signed) A. GODLEY.

EAST INDIA (OPIUM).

RETURN of FURTHER CORRESPONDENCE between the INDIA OFFICE and the SOCIETY for the SUPPRESSION of the OPIUM TRADE (in continuation of Parliamentary Paper, No. 120, of Session 1902).

(*Mr. Henry J. Wilson.*)

Ordered, by The House of Commons, *to be Printed*,
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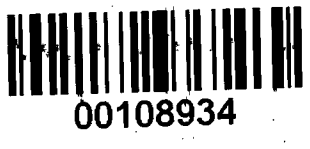
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